
REPORT ON TRINITY HALL INQUIRY

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INTRODUCTION AND SUMMARY OF KEY RECOMMENDATIONS

- 1) In March 2020 the Governing Body of Trinity Hall, Cambridge, (to which I refer as "the College") appointed me to conduct an Inquiry into matters raised in an article published by Tortoise Media on 18 February 2020.¹ The article, to which I refer in this report as "the Tortoise article", concerned the way in which the College had addressed allegations of sexual misconduct in three particular cases namely: (1) allegations of sexual harassment made against a Fellow of the College,² in 2015; (2) allegations of sexual assault made by College students against another College student in February/March 2018; and (3) an allegation of sexual assault made by a College student against a Fellow, which was reported to the Master of the College in May 2018. The Tortoise article was critical of the way in which the College addressed all of these matters.
- 2) My Terms of Reference required me, amongst other things, to investigate and report on the allegation of sexual assault made against the Fellow by the student who is referred to in the Tortoise article as "John". My report on that investigation was provided to the College Inquiry Committee³ on 9 December 2020. I explained that in my judgement that report should not be made available to the wider Governing Body (or published).⁴ The full Inquiry Report, which was provided to the College Governing Body in February 2021, contained a very brief and general description of the investigation and my overall conclusion and recommendation. The College has decided that no information in relation to this investigation should be published and it is not, therefore, included in this report.
- 3) The other main focus of my Terms of Reference was the way in which the College had handled allegations of sexual harassment and sexual assault, in particular in the three cases covered by the Tortoise article. Those cases are addressed in Part (III) below. Part (III) of this report is significantly different to the corresponding parts of the full Inquiry Report.⁵ The full Inquiry Report contains a detailed account of the facts in each case whereas Part (III) of this report is in general and summary terms. As I explain in Part (I) – Methodology and Reporting, the process which has been followed for the production of this, public, report is principally designed to meet concerns about the publication of a report containing significant amounts of personal information and legal advice while providing transparency as to the outcome of the Inquiry.

¹["A College with Secrets"](#), Ella Hill and Chris Cook, 18 February 2020.

² By the time the Tortoise article was published the person concerned was no longer a College Fellow.

³ A committee of four College Fellows appointed by the Governing Body to receive my report (amongst other things): see paragraph 3.2 of my Terms of Reference.

⁴ The report was provided to the Inquiry Committee pursuant to paragraph 5.5 of my [Terms of Reference as amended on 24 September 2020](#).

⁵ References to the "Inquiry Report" are to that report.

- 4) My Terms of Reference required me to identify errors in the way in which matters had been addressed, and I did so. Some of those errors are highlighted in this report. I emphasise, however, that any review which considers in this level of detail the way in which any individual or institution has addressed challenging matters is likely to identify errors. I did not consider that the vast majority of errors which I identified were such as to require formal action to be taken by the College against any individual. There were, however, valuable lessons to be learned for the future and institutional issues which needed to be addressed.
- 5) Noting that the then Master's term of office was due to expire in September 2021 and that the Governing Body would be considering who they wished to lead the College moving forward, I made recommendations as to the way in which the findings of the Inquiry might inform the selection process. Mindful of the time and resources which might have been required for any disciplinary process I carefully considered whether the errors which I had identified on the part of the Master might properly be addressed in another way. I also bore in mind the number of positive contributions I had received inviting my attention, amongst other things, to specific situations in which the Master had provided personal support to students who were survivors of sexual violence. Such contributions were all the more striking because contributions to an Inquiry of this nature tend to underline failings rather than positive attributes.
- 6) Notwithstanding the imminent expiry of his term of office and the positive contributions to which I have referred, the conclusion I reached was that the Master's response to the allegation made by "John" called for consideration of more immediate action. He had been in possession of information about conduct which, if substantiated, would constitute a serious abuse of position on the part of a Fellow of the College. In my judgement his failure to act appropriately on that information called into question his suitability to continue as Master. I therefore recommended that the Governing Body consider taking disciplinary action in this regard under the College statutes (see Part (VI)(A) below).
- 7) In light of my conclusions I emphasised the need for senior leadership of the College to provide immediate reassurance to the student community that any allegations of sexual misconduct against Fellows would be rigorously addressed in future. Students need clear information as to process and the support available to them. I recommended that in future, properly documented risk assessments, following advice from a professional with safeguarding expertise, should inform action (see Part (VI)(B) below).
- 8) More generally, I emphasised what I considered to be the need for the College to focus on re-establishing the trust of the student community in its commitment to student welfare. During the Inquiry I spent time with student representatives and individual students. Part (IV) contains a summary of the main concerns which were expressed to me. In the Inquiry Report I set out a recommended framework for addressing those concerns (Part (VI)(B) below) but I emphasised that members of the student community themselves would be best able to identify the ways in which their concerns could be met. I recommended that the College senior leadership engage directly with the whole student body on this matter and that

they work together to devise an institutional approach to the issues which the Inquiry had highlighted and in particular certain themes and patterns which are addressed in Part (V).

- 9) An independent panel which reported to the College in 2018 recommended a cultural survey but by the time of my appointment, none had been conducted. Evidence presented to the Inquiry suggested that such an audit conducted amongst Fellows, staff and students would have revealed, at the very least, an issue with what is sometimes described as “everyday sexism”, and a laissez-faire approach to addressing it. There was some evidence that by the time of the Inquiry elements of College culture may well have changed but I emphasised that there was no room for complacency and recommended that the cultural survey be carried out, and prioritised.
- 10) I met many individual members of the College Governing Body in the course of the Inquiry and had no doubt that they were committed to student welfare. The documentary evidence which I reviewed demonstrated that many had devoted considerable time and care to matters which had been brought to their attention. However, there had been an insufficiently proactive approach to developing an institutional culture in which sexual harassment and other forms of sexual misconduct were not tolerated. A rigorous response to any complaint is necessary but it is not sufficient. Since many incidents of sexual misconduct go unreported it is necessary to find other means of assessing the nature and scale of sexual misconduct and to identify action which can be taken in the absence of a specific complaint.
- 11) In order to take matters forward I recommended that the College establish a Sexual Misconduct Working Group consisting of senior members of the College and students. In addition to members of the current student community I recommended that former students be included. In the course of the Inquiry I heard from many former students with relevant experience in a range of fields (in particular education, law, business, management and in organisations dedicated to tackling sexual misconduct). Their experience and continuing commitment to the College is a valuable resource on which the College should draw.
- 12) Procedural recommendations relating to specific points are set out in an Appendix to Part (VI). I invite particular attention to three general areas. The first is student complaints and associated student disciplinary procedures. College procedures have been revised since the student case which I considered and any future allegations of serious student sexual misconduct are more likely to be addressed centrally under University (as opposed to College) procedures. Many people to whom I spoke in the course of the Inquiry spoke highly of University staff in the University Office of Student Conduct, Complaints and Appeals (“OSCCA”) who have relevant specialist experience and the changes are therefore to be welcomed. However, there may be student sexual misconduct cases in future which are not suitable for consideration under University procedures and many of the recommendations I have made in relation to College proceedings are in any event of more general application. The second area is College communications. There is a theme running throughout many of the College communications I reviewed which is that an element of “spin” had been included in an attempt to deflect criticism. Moving

forward it is important for the College to adopt a transparent and frank approach to communications.⁶ The third area is legal advice which I have addressed in Part (III) because of concerns raised by some contributors to the Inquiry about a lack of transparency as to the way in which legal advice was sought and communicated to the Governing Body. Those concerns appeared to me to have been well founded and I made associated recommendations.

- 13) I was informed in March 2021 that the Governing Body had approved a motion, amongst other things, confirming that it would act on the recommendations contained in my report. I have been informed of a number of specific steps the College has taken but have not been involved in the implementation of any of my recommendations. It will be for the College to provide information as to action which has been taken. For those who are interested in measuring progress, Part (VI) and the Appendix to this report might serve as a checklist.

Gemma White QC

6 September 2022

⁶ After the communications to which I refer the College appointed a "Communications Director". My conclusions in relation to College communications should therefore not be taken as any criticism of that individual.

PART (I)**METHODOLOGY AND REPORTING**

14) My Terms of Reference were agreed and published by the College on 21 May 2020.⁷ The Terms of Reference provided me (subject to some limited stipulated requirements) with a broad discretion as to the conduct of the Inquiry. I explain the methodology adopted in section (A) below. At the end of the Inquiry, as would be expected, the Terms of Reference required me to produce a report. More unusually, in addition to providing a report for the College I have been required to produce what is referred to in the Terms of Reference as the “Draft Report for Publication”. Publication of a report on the matters which have been the subject of the Inquiry presents particular challenges, which I address in section (B) below, and this report has been prepared, in consultation with the College, in a manner which is designed to meet them.

(A) Methodology

15) **Invitation to Contribute.** I launched the Inquiry on 1 June 2020 by writing a letter inviting contributions from the current and former College community.⁸ I asked for this letter to be published on the College website, which it was. I also asked for it to be sent to every current and former student, Fellow, member of staff and others engaged in College work for whom the College holds an email address. In late June I became aware that my request had not been understood by the College to include former Fellows as I had intended. I therefore asked for the letter to be circulated to them. I initially sought written contributions by 30 June 2020 but extended this timeframe in order to provide reasonable time to respond for those who had not received my letter. I did not, in any event, treat my timeframes as hard deadlines for contributions and considered contributions made by all of those who wrote to me, whenever their contributions were received.

16) In accordance with my Terms of Reference (in particular paragraph 5.3) my letter invited recipients to contribute evidence of their experience of the matters referred to in the Tortoise article “*and related matters*”. In addition to reviewing the matters covered in the Tortoise article my Terms of Reference required me to consider “*other matters raised by contributors to the Inquiry*” and to identify any themes and patterns. Since it is only possible to identify themes and patterns after receiving evidence, I did not attempt to restrict the “*related*” matters which contributors could speak or write to me about. In the event, most contributions fell into one or more of three broad categories: those providing information about the

⁷ [Terms of Reference](#). An amendment permitting me to provide confidential analysis to the Inquiry Committee was agreed in September 2020. The link to the amended Terms of Reference is at footnote 1.

⁸ [Letter dated 1 June 2020](#).

three cases referred to in the Tortoise article; those providing information about other allegations of sexual misconduct; and those expressing general concerns and/or making suggestions as to how processes might be improved moving forward.

- 17) In addition to issuing the general invitation to which I have referred above I personally contacted individuals who I considered to be likely to have information relevant to the central areas of inquiry and in particular the three matters referred to in the Tortoise article and my investigation of the allegation made by “John”. As the inquiry progressed, I focussed on filling the gaps where individuals had not contacted me of their own initiative. Most responded positively to my approaches and many invested significant time in locating and providing me with documents. Some did not respond to my approaches.
- 18) My Terms of Reference also required me to invite the JCR (Junior Combination Room) and MCR (Middle Combination Room) Presidents to explain the views and concerns of the student body to me (paragraph 5.3), which I did. Other students, past and present, either met with me at my request, or contacted me in response to my general invitation to contribute.
- 19) **Interviews.** Many of those who wrote to me requested meetings. Others met with me at my request. The launch of the Inquiry coincided with the early stages of the Covid 19 pandemic and restrictions continued throughout. As a result, I conducted the vast majority of my meetings remotely (over Zoom). While this is not the way in which I would have approached the Inquiry under normal circumstances I found these meetings to be an effective and efficient means of gathering information and views. I started holding meetings in June 2020 and continued at a fairly constant pace throughout the summer and into mid-October 2020. Thereafter I concentrated on ensuring that I had a sufficiently complete documentary record of the matters which are central to the Tortoise article, as well as certain related matters to which contributors invited my attention.
- 20) The vast majority of my meetings were attended by a writer from a company which provides verbatim transcripts. The resulting transcripts are of very high quality but are not always a completely accurate record: in some cases the writer was unable to hear or understand some of the words spoken. I provided a copy of the transcript for comment to any interviewee who requested it and also expressly invited agreement and/or comments on transcripts from those whose interview evidence related to important factual issues. The process of seeking to agree an amended transcript can be very time consuming and adds little to the quality of the evidence overall. I therefore adopted an expansive approach to accepting comments on transcripts. Where transcripts have been provided to the Inquiry Committee I have included any such comments. A few contributors felt uncomfortable with having a transcript produced. In those cases a colleague who assisted me with aspects of the Inquiry, took a full note. She also noted some meetings which were arranged at short notice towards the end of the Inquiry. Some contributors asked to speak to me anonymously or in complete confidence. I agreed to those requests but did not make any factual findings based on evidence provided to me in this way. I did, however, take it into account in considering patterns or themes (see Part (V) below).

- 21) **Documentary evidence.** Contemporaneous documents are generally a far more reliable source of factual evidence than individual recollections of events, particularly when those events occurred some time ago. For this reason, I sought documentary confirmation, where possible, of what I was told. Much of the factual narrative contained in the full Inquiry Report is based on documents, in particular contemporaneous email exchanges. Many of those I interviewed were able to provide me, after the interview, with documents supporting what they had told me.
- 22) Many relevant documents were, or ought to have been, in the possession or control of the College. On 1 April 2020 I was provided by the College with background material which I considered pending finalisation of the Inquiry Terms of Reference. On 1 June 2020 I made a wide-ranging and detailed request for further documents relating to one of the central matters (relating to the allegations made against a student) intending to follow up with a comprehensive request in relation to other areas once those documents had been provided to me. Some relevant documents falling within the scope of that request were provided to me in June. Others emerged much later in the process, in response to more specific further requests from me. Since my initial broad request did not produce the comprehensive result I had anticipated I made many more specific requests for categories of documents which I identified as relevant to the matters covered in the Tortoise article as the Inquiry progressed.
- 23) Although my Terms of Reference provided for me to make requests for information to the Inquiry Committee the members of the Inquiry Committee did not have independent access to any College files (whether electronic or physical) in which the information requested by me would have been stored. Nor did the members of the Inquiry Committee know which individuals employed or associated with the College may have been able to assist in locating information. Accordingly, the Inquiry Committee delegated the task of responding to my requests for information to a member of college staff. As I have explained in paragraph 22 above I became aware at a relatively early stage that my requests for information and documents were not resulting in comprehensive responses. I was, however, satisfied that the failure to provide comprehensive responses was a result of a lack of appropriate systems within the College for identifying and providing relevant documents rather than from any desire to withhold documents from me.
- 24) Although many of the matters involved volumes of email traffic it was not always possible centrally to locate emails because of the way in which email is used. As I understand the position, College email addresses are only used by College staff and those in College roles, such as the Master and Senior Tutor. But even those performing College roles often have and use a university email address. While the College IT officer can search across College systems the College is unable to conduct searches of the University systems. Many of those corresponding about the matters I inquired into have used University email addresses for the relevant communications. In these circumstances responses to my requests to the Inquiry Committee will have been dependent on individuals searching their own emails and providing relevant material. I also made requests to individuals myself. This is self-evidently a system with the

potential to result in important communications being missed. I made enquiries at an early stage about searches being conducted on my behalf across the University system and understand that searches may have been possible with the consent of the individual concerned. In the event I was satisfied that the documents with which I was provided by the relevant individuals provided me with a sufficient documentary record and that it would have been disproportionate to request searches of University systems.

- 25) The lack of a fully reliable system for identifying and retrieving relevant documents did mean, however, that there were likely to be some gaps in the documentary record with which I was provided by the College. On the (many) issues where lawyers were involved I sought to fill those gaps by asking for the College solicitors' records of relevant communications. This proved immensely helpful and assisted me in piecing together and understanding certain key events. There will undoubtedly have been some relevant documents which I did not see but I was satisfied that the documentary record with which I was provided, not only by the College but by a number of different individuals, was a proper and sufficient basis upon which to report on the matters with which the Inquiry was concerned.

(B) Reporting

- 26) I provided the full Inquiry Report to the Inquiry Committee on the basis that it was confidential and would be shared with other members of the Governing Body only under the strict conditions provided for by my Terms of Reference and (since it contains personal information) in accordance with the terms of a Data Sharing Agreement concluded between me and the College. My Terms of Reference also required me to provide a "Draft Report for Publication", which has become this public report. I address the two reports separately below.
- 27) **The Inquiry Report.** The approach I adopted to reporting on evidence, facts and recommendations (under paragraph 6.1 of my Terms of Reference) was as follows:
- a) I devoted a separate part of the report (Parts (IV) to (VI)) to setting out in detail relevant facts surrounding the handling of the allegations in each of the 3 cases which were the focus of my Terms of Reference. Each part also addresses certain related matters.
 - b) Each of the three main parts of the report (and in the case of Parts (IV) and (V) each section of each part) contains commentary on the facts and an outline of associated recommendations.
 - c) Part (VII) addresses the evidence provided to me by and on behalf of the student community.
 - d) In Part (VIII) I considered the evidence presented to me in relation to other matters. My Terms of Reference did not require me to investigate and make factual findings in relation to other matters

and I did not, therefore, add to the time which the Inquiry had already occupied by investigating those other matters in detail. The approach I adopted was to analyse the relevant contributions and evidence and to identify any themes and patterns.

- e) Part (IX) of the Inquiry Report contains my overall conclusions and recommendations.
- 28) Neither in the Inquiry Report nor in this report have I dissected and commented on the Tortoise article line by line. Rather, I conducted my own analysis based on the material which was provided to me. The fact that I have not commented on any particular part of the article should not be taken as agreement, or disagreement, with what it says.
 - 29) The College had taken a considerable amount of legal advice on the matters which fell within my Terms of Reference. This advice was in many places a key part of the factual narrative and was fundamental to an understanding of the action taken by the College, and in some cases by individuals acting on its behalf.
 - 30) **The “Draft Report for Publication” and this Report.** In addition to providing an Inquiry Report to be made available to the Governing Body of the College, my Terms of Reference required me to produce what is referred to as a “Draft Report for Publication” with a view to that report being considered for publication by the College.
 - 31) My Terms of Reference appeared to envisage the Draft Report for Publication being provided to the College alongside the Inquiry Report and the College taking legal advice on the content of that report before deciding whether it should be published. As I approached the end of the Inquiry it became clear to me that publication of a report containing the detail which I was to include in the Inquiry Report would raise a number of challenging questions on which the College would be likely to require legal advice. The key questions which I identified were:
 - a) To what extent was the College prepared to disclose the content of legal advice which it had received in particular cases; and
 - b) To what extent was it appropriate (and lawful) for the College to publish personal information about particular individuals with which the Inquiry was concerned.
 - 32) My Terms of Reference made it clear that the Draft Report for Publication should not identify any individual or contain any information which might lead to the identification of individuals, other than those identified in the Tortoise article, without their express consent.
 - 33) While it would have been possible to remove information which might lead to the identification of the students concerned in the matters to which the Tortoise article relates by people who do not already know who they are, the report may, however, be read by people who already know who they are. Any

factual narrative in relation to the matters with which the Inquiry has been concerned would also necessarily contain personal information relating to those who are identified in the Tortoise article (who would be identifiable even if not referred to in this report by name). I therefore recommended that the College carefully consider, with legal advisers, the extent to which it would be appropriate to publish information about any of the named (or known) individuals without first seeking their views. Since the question was for the College rather than me I did not ask any of the relevant people whether they would consent to publication. I indicated that if the College were to decide (on advice) that any such process was necessary and/or appropriate I would be available to assist in facilitating it, if required.

- 34) Intending to avoid the additional time and expense which would be occasioned by the production of a draft before those questions had been addressed by the College I suggested to the Inquiry Committee that legal advice on these questions should be taken against the background of the content of the Inquiry Report and that I produce the Draft Report for Publication in light of the position which the College adopted on those issues. My suggested approach was adopted.
- 35) Having considered the full Inquiry Report, the Governing Body decided upon a proposed framework for the Draft Report for Publication which was communicated to me by the Acting Vice-Master on 8 March 2021. In short, the Governing Body proposed that *“the Draft Report for Publication should be (so far as possible) a conclusions-based document, with the factual narrative only included to the extent that it is essential to explain the conclusions reached in the full Inquiry Report”*. I was informed that this decision was taken with the College’s *“overall desire for transparency firmly in mind, but in recognition of the serious legal considerations and potential impact on individuals that disclosure of the factual narrative to the public might give rise to”*. The Governing Body proposed a “principles-based” approach the effect of which would, in summary, have been to identify individuals against whom further action was proposed, but not to identify or directly refer to any others (whether criticised, exonerated, or implicated).
- 36) In principle, I considered the Governing Body’s framework to provide an appropriate means of striking a balance between the College’s desire for transparency and the rights and interests of the individuals concerned. The framework was, however, difficult to apply in practice in relation to conclusions many of which are – in some way – about individuals or the action taken by or in relation to them. The approach I adopted was to include what I considered to be the minimum amount of personal information necessary for the production of a report which met the Governing Body’s desire for transparency as I understood it. I achieved this in part by describing certain conclusions in broad, general, and in places summary terms rather than by reference to specific events and evidence. As a result, the draft did not identify each and every error or omission to which I have invited attention in the Inquiry Report. It did, however, contain all of my recommendations.

- 37) I submitted a draft of this report to the College Receiving Committee⁹ on 28 March 2021 and received comments by letter dated 13 May 2021. Having considered the comments I submitted a further draft report on 17 May 2021. Following further comments I made minor changes to the report, which was considered by the College Governing Body on 8 June 2021. On 10 June 2021 I was informed that the Governing Body had decided not to publish the report until certain internal processes were complete.¹⁰ I was also informed that the majority of the speakers at the Governing Body meeting felt that the Draft Report for Publication came across as more critical than the Inquiry Report of the College and its culture because much of what was considered to be mitigating and balancing information contained in the Inquiry Report had been omitted from the shorter version. I was informed that Governing Body responses would be collated and sent to me. I expressed my concern about the likely timetable for publication and asked that, if there was to be a delay, consideration be given to publishing an interim report which set out and explained recommendations in a manner which did not impact on the internal processes referred to.
- 38) In September 2021 I was sent a letter which provided Governing Body feedback on my report. For reasons which were explained to me in that letter the College continued to consider that it would not be appropriate to publish a report at that time. As to the content of the report (i) I was invited to consider including more of the factual and contextual detail from the Inquiry Report in relation to the three central cases and (ii) concerns were expressed about the inclusion of specific quotations and details set out in what were Parts (VII) and (VIII) of the Inquiry Report (Parts (IV) and (V) of this report). I return to this in paragraph 44 below. Since the College had decided in any event not to publish a report at that time I proposed that the College publish a summary report, which I produced in draft and sent to the College in September 2021. I was later informed that the Governing Body had had concerns about publishing that report and had been intending to consider it at a further meeting.
- 39) In February 2022 I was informed that the College was in a position to consider publishing a report and was invited to consider making revisions requested by the Governing Body and set out in the September 2021 letter. I produced a report which was provided to the College in mid-April 2022.
- 40) In mid-May 2022 I was informed that the report was considered to have fully met the concerns which had been expressed in relation to Parts (IV) and (V) but that there were considered to be too many risks involved in publishing the more detailed narrative accounts in relation to the three central cases and also that consultation with affected individuals would be likely to delay publication considerably. I was, therefore asked to produce a version of the report which restored the conclusions-based section in relation to the three central cases (Part (III)) which had been included in my May 2021 report. I was also asked to redact passages which related to my conclusions and recommendations arising out of my investigation of the allegation made by “John”. Rather than redact those passages, I have removed them.

⁹ A committee appointed by the Governing Body to receive my report and to liaise with me in relation to the Draft Report for Publication.

¹⁰ I was told what the particular processes were.

- 41) In response to the College's request I removed the more detailed narrative accounts in relation to the cases covered in Parts (III)(A) and (B) and replaced them with text (amended in minor respects) which I had produced in May and June 2021. However, I invited the College to consider a more detailed description of the handling of the allegation made by John addressed in Part (III)(C) than had been contained in the June 2021 draft. In June 2021, disciplinary proceedings against the Master were contemplated in respect of his handling of that allegation and publication of any of the details could have given rise to difficulties. Anticipating prompt publication of the report I therefore addressed the allegation in two short paragraphs. The Master's resignation in August 2021 had changed the position considerably and I considered there to be a public interest in greater transparency in relation to this case than would be provided by the two short paragraphs from June 2021. I therefore included a description of events which was intended to strike a balance between what I understood the College's concerns to be and providing transparency in relation to the conclusions I reached and the reasons for them. I was asked by the College to make some minor amendments to three sentences of that draft which were considered to give rise to a risk that privilege in legal advice would be waived, and did so.
- 42) As I understand the position the draft was provided by the College to certain individuals for their comment and any substantive comments were provided to me so that I could consider whether amendments to the draft report were required. Having considered those comments I invited the College to consider waiving privilege in certain legal advice so that discussion of specific aspects could be included in this report. The College decided to maintain privilege in its legal advice, which is not, therefore, discussed in this report. Some but not all of the comments received resulted in amendments to the draft report, a "final" version of which was provided to the College in late July 2022. The College provided extracts of that report to certain individuals to whom they relate. Comments from one individual resulted in one, minor, amendment.
- 43) As a result of the process I have described above Part (III) of this report is very significantly different to the corresponding parts of the full Inquiry Report. In the Inquiry Report each case was considered separately, with a detailed chronological factual narrative set out. I have not been party to the legal advice received by the College but it will have had to consider, amongst other things, the extent to which disclosure of the information in Parts (III) to (VI) of the full Inquiry Report would be consistent with its obligations to the many individuals concerned and the extent to which it was appropriate to publish legal advice which had been obtained.
- 44) Parts (IV) and (V) (Views and Concerns of the Student Community, and General Themes) of this report address all of the themes which are addressed in the full Inquiry Report. They differ from the corresponding parts of the Inquiry Report in that they do not include reference to many specific individual contributions and quotations from contributors. I included these details within full the Inquiry Report because I considered it important that the Governing Body understood specific concerns which were expressed by certain individual contributors, which would feed into the work of the Sexual Misconduct Working Group. I did not, however, investigate any of the specific matters referred to or invite contributions from the College in relation to them. In the circumstances, the Governing Body expressed

concerns that their inclusion might give rise to misleading impressions about the College when read by a wider audience. The themes I address in Parts (IV) and (V) can properly be presented without them and I have, therefore, omitted them from this report.

- 45) Throughout this process my approach has been to attempt to produce a report which the College will publish, while ensuring that the contents of the report properly reflect (albeit in much more summary form) my key conclusions and recommendations. I am satisfied that it does, with the exception of my conclusions and recommendations in relation to my investigation of the allegation made by “John”, which I have removed at the College’s request.

PART (II)

BACKGROUND – STRUCTURE AND GOVERNANCE

- 46) Before considering the specific matters with which the Inquiry was concerned, I set out some background information which provides the framework for much of what follows.
- 47) The governance structure of the College is provided for by College Statutes which have been in force since 1 October 2017 (“the 2017 Statutes”). The Ordinances provide further, more detailed, rules relating to the implementation of the 2017 Statutes. There are also Regulations made by the Governing Body, contained in what is known as the Governing Body Handbook 2017, which set out the Governing Body’s recommendations for practical implementation of the Statutes and Ordinances. The College is also bound by those Statutes, Ordinances and Regulations of the University that apply to it. Since some of the matters with which the Inquiry is concerned took place before the 2017 Statutes came into force, I highlight certain differences under the previous Statutes. The previous Statutes were enacted in 1967 and I therefore refer to them as “the 1967 Statutes”.
- 48) The College is a registered charity, whose object is the provision of a place for the advancement of education, religion, learning and research¹¹.
- 49) The **Governing Body** of the College is made up of the Master and the Fellows. Members of the Governing Body are charity trustees of the College (with some exceptions).¹² The Governing Body has responsibility for the control of the College in pursuance of its charitable object; and for administering the College’s capital, income and expenditure. It also has powers to establish and appoint committees ; and to establish College Offices, and appoint individuals to those offices.¹³ In practice the Governing Body meets at least twice each term. Representatives of undergraduates and postgraduate students may attend for all ‘unreserved’ business.
- 50) The 2017 Statutes and Ordinances provide for a number of **College Offices**. The offices of Master, Bursar and Dean, are designated as Primary College Offices. There are also a number of Secondary College Offices including the Vice-Master, Graduate Tutor, Senior Tutor, Admissions Tutor, Tutor, Praelector etc.
- 51) **The Master** is elected by the Governing Body – as a general rule for a period of up to 7 years, although exceptionally that period may be extended up to a maximum of 10 years. The then current Master was appointed for a period of 7 years with effect from 1 October 2014.

¹¹ Statute 2.4

¹² Statute 2.5

¹³ Statute 3.2, 3.10, 3.11

- 52) The Master's statutory role is to exercise, on behalf of the Governing Body, general superintendence over the affairs of the College; and to secure the observation of the Statutes and Ordinances and Governing Body decisions by all members of the College.¹⁴ In more practical terms, the Master's duties include chairing the Governing Body and various committees, overseeing the work of senior College Officers, presiding at formal College events, representing the College at University and other formal events, and generally promoting the College.¹⁵ A job description produced in 2013 refers to five principal categories of duties – College governance, strategic oversight of academic matters, alumni relations and fundraising, strategic oversight of College finances and external representation of the College. The Further Particulars document produced at the same time states that while the Master has overall responsibility for implementing the policies of the College, the day-to-day administration of academic and welfare matters lies with the Directors of Studies and Tutors, under the leadership of the Senior Tutor.
- 53) The Master also has a role in the disciplinary and grievances processes under the 2017 Statutes - for example in relation to suspension, informal action for minor misconduct or performance issues, deciding whether formal action is appropriate, and for conducting hearings where removal is not envisaged. Where removal is under consideration, the Master is responsible for deciding whether a Fellows Disputes Committee should be convened.¹⁶ Under the 1967 Statutes the Master had other responsibilities as well, including taking the final decision whether to dismiss a Fellow on the recommendation of the disciplinary committee, or whether to take other action such as a warning, suspension etc.¹⁷
- 54) The Governing Body elects one of the Fellows as **Vice-Master**, for a period of up to 4 years. Their statutory powers and duties are to act as the Master's deputy in certain circumstances; and any further duties assigned by the Governing Body. These include chairing various committees, presiding over formal College events, and supporting the Master.¹⁸ When the office is vacant etc, the Governing Body may appoint an Acting Vice-Master.
- 55) There are around 60 **Fellows** in the College. Fellows fall into a number of different categories:
- a) Research Fellows
 - b) Staff Fellows
 - c) Supernumerary Fellows.
- 56) Fellows are elected by the Governing Body. Research Fellows are those undertaking research approved by the Governing Body. Staff Fellows must either hold a Primary College Office; a university teaching or research post; or College research or teaching post. Staff Fellows' duties vary depending on whether they have a University or a College post, but broadly speaking they are to be involved in the engagement and education of the College students and management and direction of this aspect of the College.¹⁹

¹⁴ Statute 4.

¹⁵ Ordinance 4.14.

¹⁶ Ordinances 19, 21.3, 21.4, 22.7, 27. The Master may appoint a delegate in certain cases – Ordinance 20.5.

¹⁷ Statute XVII (20)

¹⁸ Statute 5, Ordinance 5.9.

¹⁹ Ordinance 6.16.4, Regulation 6.16.

Duties will include attending meetings of the Governing Body, serving on committees, teaching, undertaking administrative and management duties, interviewing applicants, attending Open Days and so on. A Supernumerary Fellow may be any person whom the Governing Body considers it would be in its interests to elect. Their duties are to carry out the specific duties allocated to them individually by the Governing Body.²⁰

57) The Governing Body may also confer the following titles (although these categories are not Fellows within the meaning of the Statutes, so are not members of the Governing Body):

- a) **Honorary Fellow** - on any person who has rendered 'signal service' to the College or attained distinction of a nature fit to be recognised by the College.
- b) **Emeritus Fellow** - on a former Master or Fellow who has made an extraordinary contribution to the College where it is appropriate to retain their involvement in the College. The Governing Body has identified a number of purposes for conferring this title, such as encouraging the interchange of ideas between younger and older members of the College and providing the opportunity for continued involvement in the College after retiring.²¹ This is one of the areas in which the position has changed significantly under the 2017 Statutes. Under the 1967 Statutes: any Master or Fellow who had reached the age of 60, and held office for 25 years, automatically became an Emeritus Fellow from the date that they vacated their office; where they had held office for less than 25 years the Governing Body had power to elect them.²² In addition, under the 2017 Statutes the Governing Body may revoke the title by a vote of at least half of the Governing Body; under the 1967 Statutes the Governing Body required a resolution to be passed by at least two thirds of the members of the Governing Body.²³

58) The Governing Body may determine the privileges of Honorary Fellows and Emeritus Fellows 'from time to time'.²⁴

59) The **Senior Tutor** is appointed by the Governing Body, which will normally establish an appointments committee to manage the recruitment.²⁵ (Under the 1967 Statutes the Senior Tutor was appointed by the Master, with provision for the Governing Body to disapprove the appointment and make its own appointment.²⁶) The Senior Tutor is responsible to the Governing Body for the provision of education to, and for the welfare of, those who are in *statu pupillari* – broadly speaking, the students.²⁷ They therefore have overall responsibility for all academic and pastoral matters. A job description produced in October 2017 states that the Senior Tutor is responsible for providing academic leadership, which includes the

²⁰ Statute 6.4, Regulation 6.16.

²¹ Ordinance 7.2, Regulation 7.1.

²² Statute VII (2)

²³ Statute VII (4); Statute 7.5

²⁴ Statute 7.4; previously Statute VII (3) which provided that they *shall enjoy such privileges as the Governing Body may from time to time determine*.

²⁵ Regulation 9.3

²⁶ Statute X (3) – although the Senior Tutor is not referred to expressly in Statute X, it appears that the term Tutor was considered to encompass the Senior Tutor as well.

²⁷ Statute 9.6

development and implementation of College policy relating to undergraduate teaching, and entails working with the other Tutors to promote student welfare and ensure that discipline is observed.²⁸ In practice this has included a broad range of matters such as organising training, assisting with recruitment and involvement in producing a new version of the Student Handbook each year.

- 60) **Tutors** are teaching Fellows who are appointed to this additional role - usually by the Master after consultation with the Senior Tutor, for a period of three years, after which they may be reappointed.²⁹ They are responsible in the first instance to the Senior Tutor. The role is pastoral rather than academic. Their formal role is to assist the Senior Tutor in enforcing discipline, promoting the welfare of students and contributing to the maintenance of the educational provision of the College. They are expected to meet tutees at the beginning and end of term, and at other times may have drop-in sessions or arrange ad hoc meetings with tutees. They also direct students to appropriate sources of advice and assistance. Most Tutors have around 50-60 tutees, who are usually in a different subject area from that of the Tutor.
- 61) The Senior Tutor assigns the role of **Director of Studies** to individuals (who may be internal or external to the College).³⁰ A Director of Studies is responsible for the student's academic welfare, advising on what courses to take and lectures to attend, recruiting supervisors and so on.
- 62) **Dean of Discipline.** As of 1 September 2020, a new post was created of Dean of Discipline, with delegated responsibility from the Master for disciplinary matters under the Code of Discipline.

²⁸ More specifically, the responsibilities are defined in the Job Description I have seen as including responsibility for supervision (teaching) and tutorial (pastoral) systems; managing the work and staff of the Tutorial Office and other administrative roles; *ex-officio* Secretary handling the business of the Education Policy Committee and Fellowships Committee and *ex-officio* member of other Committees; representing the College on the University Senior Tutors' Committee; participating in the cultural and social life of the College and supporting a number of students' extra-curricular activities.

²⁹ Regulation 9.6

³⁰ Ordinance 17.2

PART (III)**THE THREE CENTRAL CASES**

63) As I have explained in Part (I) this Part is very different to, and contains significantly less detail than, the corresponding Parts (IV) to (VI) of the full Inquiry Report. In accordance with the framework of principles proposed by the Governing Body for the production of this report I have taken my conclusions and recommendations as the starting point and included only a very limited amount of amount of narrative and commentary by way of explanation and in order to provide context.

(A) ALLEGATIONS OF SEXUAL HARASSMENT AGAINST A (NOW FORMER) FELLOW

64) The first of the three cases, chronologically, concerned student allegations of sexual harassment against a (then) Fellow, in the form of inappropriate sexual and sexist comments, which resulted in a complaint being made by the students in 2015.

65) **Handling of the 2015 complaint.** The documentary record which I examined in the course of the Inquiry demonstrated that the complaint was taken very seriously. It was acted on swiftly in a manner which respected the complainants wish for anonymity. There was no formal investigation because the Fellow agreed to withdraw from undergraduate teaching and from social occasions at which Trinity Hall undergraduates might be present. While I considered there to be room for differences of view as to the appropriate procedure (informal/formal), and outcome, my conclusion was that this approach was a reasonable exercise of judgment in the circumstances.

66) There were errors in the handling of the complaint which were identified by an Independent Review Panel established by the College in 2018 (“the 2018 Review Panel”) but I did not consider any of them to be the type of errors which should lead to any form of action being taken against anyone responsible for handling the complaint. Recommendations made by the 2018 Review Panel led, amongst other things, to amendments to complaints procedures set out in the Student Handbook. However, other important recommendations were not actioned (see paragraph 73 below).

67) The Fellow against whom the complaint had been made retired in December 2015 and automatically became an Emeritus Fellow by operation of the College Statutes which were then in force (see paragraph 57(b) above). In 2016 he attended the College at graduation, clapped students as they walked to graduation and congratulated them afterwards. His attendance was reported to the Master by two other Fellows who considered it to be a breach of his agreement not to attend social events at which undergraduates might be present. The (then) Emeritus Fellow did not consider his attendance to have been in breach of the agreement. However, the issue ought to have been addressed more promptly and

formally than it was. A formal meeting would have provided an opportunity for the Master to either take action as a result of any established breach or to provide clarity as to the reach of the agreement. Such clarification might have avoided an error in 2017 which resulted in the Emeritus Fellow being invited to a College lecture at which undergraduates were present.

- 68) **Legal advice.** The Emeritus Fellow's attendance at the lecture in 2017 led to press coverage in relation to the 2015 complaints, in response to which the Master, erroneously, announced that it had been decided that the Emeritus Fellow would withdraw permanently from any further involvement with College affairs. There were disagreements between members of the College Governing Body as to the approach to be taken. Following the 2018 Review Panel report the College took legal advice from solicitors and counsel, which was communicated to Governing Body members in order to inform their decisions (and individual votes).³¹ Some Fellows felt uncomfortable with the legal advice which was being presented to them and expressed concern to me about the way in which it was sought. One Fellow put the concern in a nutshell as follows: "*Given the general trend of the advice we received, it was always an open question in my mind whether the lawyers had been given a steer about the college's preferred course of action.*" Another told me that a number of people raised concerns as to whether the legal advice was sound, and that the advice had the effect of introducing an atmosphere of threat and vulnerability which steered the Governing Body's vote in a very particular direction.
- 69) On the basis of the documents I reviewed, the concerns about the way in which legal advice was sought appeared to me to be well founded. There were references in the documents to the College seeking "neutral" advice but the way in which the advice was sought on behalf of the Governing Body was not neutral. In order properly to understand the basis upon which advice which had been provided, the Governing Body ought to have been provided with access to the instructions to counsel (setting out the specific questions which counsel was asked to address) and the information (including the documentary records of oral information) with which counsel was provided. I recommended that the College draw up a protocol in relation to legal advice which provides for circumstances in which legal advice is sought in connection with Governing Body business and for members of Governing Body to have access to all relevant information (and in particular any information provided to the relevant lawyers by those appointed to seek advice).
- 70) Before counsel's advice was sought a working group had been appointed to take advice from solicitors, which they did. The working group prepared a paper which was presented to Governing Body. Readers of the working group paper would reasonably (but wrongly) have understood that solicitors had provided unqualified advice in relation to a question which, for many members of the Governing Body, was important. I recommended that the protocol to which I have referred above address the way in which legal advice must be conveyed to the Governing Body. In order to avoid any misunderstandings I recommended that the protocol provide that all legal advice for the Governing Body be provided in writing

³¹ Neither the Master nor the Vice-Master had any involvement in seeking this legal advice.

and that the whole of the legal advice (as provided by solicitors or Counsel), rather than a selective summary, be made available to the Governing Body.

- 71) Finally in relation to legal advice, a copy of counsel's written opinion was provided to the Emeritus Fellow and ought not to have been. The protocol in relation to legal advice should clearly set out the circumstances in which legal advice will be shared and should provide for legal advice to be taken in connection with any proposed disclosure to anyone outside the Governing Body of the College.
- 72) **Weakness in welfare systems.** The way in which the allegations against the Fellow came to light in 2015 exposed a serious weakness in College welfare systems which ought to have prompted a wider assessment of College culture (specifically in relation to sexual harassment) and students' understanding of the way in which any concerns could be raised. The evidence provided to me by the student community in the course of the Inquiry suggested that things may have moved on since 2015 but without conducting an evidence-based assessment there was no basis upon which the College could be confident that the whole College community understood its stated "zero-tolerance" approach to harassment. In light of the way in which the allegation made by "John" was treated, I identified this to be an area which required serious and immediate action (see Part (VI)(B) below).
- 73) **Inadequate understanding of nature and effect of sexual harassment.** My review of the documentary evidence in relation to this matter revealed evidence that certain individuals did not properly appreciate the nature and effects of verbal sexual harassment. The 2018 Review Panel recommended a "*cultural survey amongst Fellows and staff in relation to raising concerns/whistleblowing*". It also recommended a review of processes developed to "*ensure that Fellows as well as staff are appropriately trained in matters of inclusion/diversity, harassment and sexual misconduct, in learning, teaching and all aspects of professional life*". The evidence presented to me showed that training was mainly focussed on the tutorial team. There had been no cultural survey.
- 74) I recommended that moving forward, an institution-wide understanding of sexual harassment, sexual misconduct and (more broadly) diversity and inclusion must be developed. I recommended that the starting point should be the cultural survey, which would provide a solid evidence base for the planned review of College procedures which was announced in November 2019 and later delayed pending the outcome of this Inquiry.³²
- 75) **Inappropriate emphasis on the requirement for a formal complaint.** What happened in this case illustrated an important theme which re-emerged in other cases which I reviewed, namely a failure to take any action in the absence of a "formal complaint", even though concerns were known to exist. Many students will simply not be prepared to make a formal complaint, in particular about matters such as sexist comments which some consider to be a more "low-level" form of harassment (see further Part (IV) for students' views). There is a range of management action which can be taken or initiated in the

³² Terms of Reference, paragraph 2.2.

absence of a formal complaint: for example a conversation with the Fellow concerned (which does not identify specific complainants); targeted or institution-wide monitoring and/or training. The College has a duty of care to its students which does not depend upon whether or not particular students have the confidence to make a formal complaint about behaviour. Addressing “low-level” concerns is particularly important since an immediate conversation or targeted training has the potential to stop more serious or sustained behaviour. The College must develop and implement systems in which concerns about sexual harassment and other misconduct are addressed regardless of whether a formal complaint has been received.

- 76) **Communications.** In the course of my review of the handling of this complaint and related matters raised by contributors to the Inquiry I identified a number of occasions on which statements were made by or on behalf of the College which were inaccurate and/or introduced an element of “spin” to the facts. College communications must be transparent and frank rather than selective. I recommended that the College consider introducing a process of external scrutiny in respect of its communications on sensitive issues.
- 77) All of the public statements made in connection with the College’s response to this matter contain a form of words which emphasises the College’s commitment to maintaining a safe/inclusive/diverse environment. For such statements to be of any value they need to be backed by positive action. There did not appear to have been any meaningful positive institutional action taken to produce (let alone maintain) such an environment. Furthermore, statements published in October and November 2019 in relation to this matter (see paragraph 172 below) were directly at odds with a contemporaneous lack of action being taken in response to the allegation made by John (see Part (III)(C) below). Moving forward, I considered that positive institution-wide steps must be taken to establish and maintain a safe, diverse and inclusive environment (see Part (VI)(B)).
- 78) **Understanding of responsibilities as charity trustees.** The College is a charity and individual Fellows are charity trustees. As such, they have important legal responsibilities. Several Fellows referred to having an insufficiently secure understanding of what this means in practice, with some referring in particular to needing to understand what it meant in practice when faced with legal advice with which they did not agree. I recommended that the College provide all Fellows with clear expert advice as to their general responsibilities as charity trustees. The present case may serve as a useful case study.

(B) STUDENT SEXUAL ASSAULT ALLEGATIONS

- 79) The second case, chronologically, involved allegations of sexual assault which were made by two students (referred to in the Tortoise Article as A and B) against another (D). Initial reports led to formal

complaints, followed by disciplinary proceedings which took place before a committee of the College Junior Members Committee consisting of four College Fellows (“the JMC”) in July 2018.

- 80) **Overall assessment of the handling of the students’ allegations.** It was clear from the evidence provided to me that all of the students found the process stressful and distressing. It was equally clear that those responsible for handling the allegations found the process very difficult. Amongst other things the documentary record revealed frustrations on all sides as to the lack of clarity as to College procedures and the amount of time which was taken to conclude this matter. There were errors, which included errors of judgement in some communications with the students. My overall assessment, however, based on documents to which I refer below and interviews with those responsible for handling the complaints, was that each person involved took the allegations very seriously indeed and was concerned for the welfare of all of the students.
- 81) The handling of these allegations generated a vast amount of documentation, principally in the form of email exchanges over a period of about five months. I reviewed many hundreds of these exchanges (which I received from many different sources) including between: individual students and their Tutors; Tutors and the Acting Senior Tutor; individual students and the Acting Senior Tutor; the Acting Senior Tutor and the Master; individual students and the Master; the Master and the Chair of the JMC; the Master and members of the JMC; the Master and solicitors; and the JMC and solicitors. I found particularly valuable the very many email exchanges behind the scenes of which the students would not have been aware and which will not have been written with an eye to review by me (or indeed anyone). I was struck by how many of these email exchanges took place late at night, in the early hours of the morning and at weekends, well outside what many would regard as working hours. The overriding impression they leave is of highly committed individuals working as a team to do their best for the students in very difficult circumstances. Many devoted significant amounts of time to this particular matter, which was one amongst a number of challenging issues which were being addressed at Trinity Hall in the Lent and Easter terms of 2018.
- 82) Before turning to my conclusions and recommendations in relation to the JMC processes I consider the way in which the College handled concerns which were expressed about one of the Tutors involved in this matter.
- 83) **Mis-management of concerns about a Tutor.** Shortly after the allegations were first reported some College Fellows and staff started to express concerns about aspects of one Tutor’s conduct in relation to this case. The emerging concerns were handled very poorly. The evidence reveals a culture in which (a) concerns were expressed privately and not shared with the Tutor concerned and (b) no action was taken in response to those concerns by those who were responsible for his management. The failure promptly to share concerns with the Tutor resulted in matters which could have been (and ought to have been) nipped in the bud playing out before the JMC in a manner which risked diverting it from its proper course.

- 84) I interviewed the four Fellows who were appointed to this JMC at length. I asked each of them questions about the way in which their decision was reached and the reasons for it. I also interviewed the person who took notes at the JMC hearing and who was present during deliberations. I was satisfied on the basis of this evidence, and for other reasons which I explained in the full Inquiry Report, that the JMC conclusion would have been the same had concerns about the Tutor's involvement not been raised before it.
- 85) The mismanagement of the concerns did, however, result in unfairness to the Tutor and to students.
- 86) As a result of the failure to share concerns with him, the Tutor was deprived of the opportunity to understand and address them. He was later deprived of his position as a Tutor, and the attached income, at very short notice after a formal complaint was made about him. Had concerns been raised with him promptly there is every possibility that a subsequent, long drawn-out, investigation to which he was subjected under threat of disciplinary action could have been avoided. Better management would also have been assisted had a formal process for re-appointment as a Tutor been instituted timeously. I recommended that in future tutorial positions be allocated, and renewed, following a formal application process completed well in advance of the beginning of each academic year.
- 87) Although the investigation substantially exonerated him the Tutor appeared nevertheless to have been expected by the College to recognise the validity of concerns which had been raised about his conduct. This was unrealistic and unfair, as was the failure to reappoint him as a Tutor after the investigation. This action deprived the student community of the support of a committed and dedicated Tutor.
- 88) Throughout my review of this matter I considered what the Tortoise article reported to be the belief of some of the Tutor's colleagues, namely that the College leadership may have responded with more vigour to criticisms of him because of his approach to the matters which I have addressed in Part (III)(A) (in particular at paragraph 68) above. This belief was not, overall, substantiated by the evidence I reviewed. As I have explained above, there were matters which ought to have been addressed long before the JMC hearing. But once a complaint had been made, the complaint had to be investigated. Neither the complaint nor the decision to investigate was influenced by the position the Tutor had taken in relation to the other matter. The matter addressed under Part (III)(A) above did play a part in the decision not to re-integrate the Tutor into the tutorial team, but only in the sense that there was a wish not to take a decision which might become another source of controversy amongst Fellows at a time when there were already serious divisions.
- 89) The evidence in relation to this matter revealed an important general issue as to the nature of assistance with statements which can properly be provided to a person disclosing sexual misconduct. I address this in Part (V) below.
- 90) Particular issues in relation to which I made specific recommendations are set out below.

- 91) **The need for procedural clarity.** The complainant students were not made aware at the outset of the implications for them of their complaint being considered under the College student disciplinary procedures. They ought to have been provided with clear information so that they were able to understand the way in which their complaint would progress and what their role in the eventual process would be. Amendments have been made to College procedures and the Student Handbook but students remain unsure about what will happen should they make a complaint (see Part (V) below). I recommended that students' understanding of procedures be assessed (by the survey to which I refer in Part (VI) below) and that this assessment inform any future revision of documentation made available to them.
- 92) **Initial communications with respondent student.** Particular care must be taken with initial communications with a respondent (or potential respondent) student informing them that serious allegations have been made. In future such communications should be in person, ensuring that the student has in place – at the meeting – support from their Tutor or another person of their choice. Very careful consideration should also be given, by Tutors and the Senior Tutor, to the way in which a respondent (or potential respondent) student is informed of any change in tutorial support. A Tutor to whom a tutee has reported an allegation of serious sexual misconduct may properly decide that they cannot also provide support to the person against whom the allegation has been made. However, the reasons for a change in tutorial support must be explained to a tutee clearly and sensitively.
- 93) **Separation of responsibilities under College procedures.** College procedures were not properly followed after the case had been referred to the JMC. College Ordinances provide that the JMC Panel chair³³ shall appoint committee members³⁴ but in this case they were appointed by the Master, after consultation with the Acting Senior Tutor. The Master remained heavily involved in various procedural decisions which were taken, as did the Acting Senior Tutor (at the Master's invitation). The Master also provided the JMC with a "briefing note" which, in my view, complicated the picture for them and may have resulted in them taking a more "hands off" approach to the matter than they ought to have done. Legal advice was taken but was generally provided to the Master rather than to the JMC. Once the matter was referred to it, the JMC ought to have been left to decide on its own procedure³⁵ with such legal advice as it considered to be necessary. I recommended that in future any legal advice relating to JMC procedure should be taken directly by the JMC.
- 94) Although the Master was too involved, it was clear from the email correspondence I reviewed that his involvement was intended to assist and support his colleagues with what he considered to be a very difficult and complex case. I did not consider his continued involvement to have been conducive to the efficient and effective resolution of the case by the JMC, however, and recommended that strict separation be observed in future.

³³ The JMC Panel Chair is elected by the panel of JMC members appointed annually by the Governing Body: see Ordinance 12.1.1 and 12.2.

³⁴ See Ordinance 12.5.

³⁵ See Ordinance 12.6.

- 95) **The JMC approach to evidence.** The Master communicated with A and B before the hearing and, amongst other things asked them whether they would be *“willing to appear before the JMC, should they wish to see you and/or should you wish to add anything further to what you have already told the investigator, or should you be willing to respond to any questions the panel or the respondent (via the Chair or his representative might wish to put ...”*³⁶ Each replied indicating that they would be willing to attend if necessary and the Master set out their position in an email to the JMC Chair. However, the JMC failed to give proper consideration to whether it would have been assisted by A and B’s attendance at the hearing. A and B ought to have been invited and encouraged to attend to answer questions.³⁷ The JMC’s failure to adopt this course was an error which appeared to have arisen in part as a result of the JMC members misunderstanding A and B’s position in relation to attendance at the hearing and a concern about how stressful attendance might have been for them.
- 96) As difficult as attendance might have been, A and B clearly wanted their allegations to be rigorously considered. The committee members may well have felt that they were insufficiently experienced to question students about such sensitive matters but it would have been possible for the JMC to request the appointment of an appropriately experienced person to present the case. This is a common approach to disciplinary proceedings and would have assisted the JMC in the present case. I have recommended that in future careful consideration be given, in complex JMC cases, to the appointment of a suitably qualified individual to present the case under student disciplinary procedures. Direct communication with A and B would have had the added advantage of providing them with confidence in the JMC process. Having heard from all of the committee members I have no doubt that they would have engaged sensitively with A and B and that sensitive personal engagement on their part would have provided A and B with reassurance that their allegations were being properly and carefully considered.
- 97) Other witnesses responded properly to requests to appear but one of the witnesses gave evidence which ought not to have been given. The JMC decision did not turn on the evidence of any of these witnesses. However, so that they are in a position to exercise appropriate control over the proceedings, future JMCs should ask for an outline (if not a statement) of any evidence a person invited to the hearing will be asked to give. Any witnesses should also be provided, in advance, with a written explanation of the proceedings and of what their role will be.
- 98) Ordinance 12.4 makes provision for the appointment of “medically qualified persons” to chair the JMC where the issue relates to incapacity on medical grounds. That provision recognises that there may be cases in which specialist medical expertise is required but there is no provision for cases in which other forms of expertise are required. In the present case the JMC might have benefited from a legally qualified chair with relevant specialist experience. I therefore recommended that the College Statutes and Ordinances Committee consider amending the Ordinances to make provision for the appointment of a

³⁶ The Master’s email also recognised that a personal appearance might be stressful and difficult. He assured A and B that the College would take steps to minimise that stress as far as possible, suggested possible steps which might be taken and informed A and B that they would be entitled to be accompanied by someone as personal support.

³⁷ I emphasise here that my conclusion here does not depend upon the fact that concerns about a Tutor’s involvement were raised.

legally qualified chair in similar terms to Ordinance 12.4. Such a provision would not require the appointment of a legally qualified chair in every case (and may never need to be relied upon). It would, however, provide an option for dealing with complex cases which would not otherwise be available.

- 99) **Disclosure of personal information.** One of the students appealed from the JMC decision. An appeal committee chair was appointed and documents relating to the case were shared with the chair without providing the student with the opportunity to raise concerns (which she had) about that particular Fellow chairing the appeal committee. Particular caution ought to have been exercised before sharing the documents, containing such sensitive personal information, with others. This observation applies with all the more force to the sharing of the sensitive personal information of another student, who did not appeal. Legal obligations in relation to the sharing of sensitive personal information are important and the sharing of that information was an error. I recommended that the College Compliance Officer be consulted before sensitive personal information is shared in future.

(C) THE HANDLING OF A SEXUAL ASSAULT ALLEGATION FROM A STUDENT (“JOHN”) AGAINST A FELLOW OF THE COLLEGE

- 100) This part addresses the way in which the College handled the allegation made by the student to whom the Tortoise article refers as “John” against a Fellow. Like Parts (A) and (B) this part is in much more summary and general terms than the corresponding parts of the full Inquiry Report.
- 101) In early May 2018 the Master was notified by John’s Director of Studies (“the DoS”) of a very serious allegation John had made against a Fellow who had occupied a position of trust in relation to him at the relevant time. At the time the allegation was made that Fellow continued not only to supervise individual students but had overall responsibility for the pastoral care of all students at the College (as Acting Senior Tutor). The Master ought immediately to have considered whether any action was required to protect students but there is no contemporaneous documentary record of any form of risk assessment being carried out (although the Master did tell me that he “*actively considered suspension*”).
- 102) The Master decided to take legal advice, which was reasonable and appropriate. However, he should have sought that legal advice immediately. At the relevant time, the Master was in daily (and on some days near constant) email contact with College solicitors on the student matter (see Part (III)(B) above), yet he only contacted solicitors about this matter after five days. The advice, which was provided orally at a meeting four days later, ought to have been confirmed in writing.
- 103) At a meeting in June 2018 John informed the Master that he intended to report the matter to the police. The Master asked John to let him know via the DoS when he had reported to the police, and to ask the police to contact him to let him know when they had spoken to the Fellow concerned. There was an understandable concern for John’s wellbeing and a view that John should take the course which was best for him. However, the Master ought to have considered whether there were other factors in play,

such as the College's duty of care to other students. Of course, John's wellbeing and wishes were important but the failure to approach the matter from any other angle meant that the matter was simply left in John's hands to take forward as and when he was ready. Had the Master taken a more proactive role, explained that the matter was important in terms of wider student welfare and needed to be addressed urgently, John may well have agreed to report to the police immediately rather than waiting, as he did, until July.

- 104) After the meeting in June the Master was, as he told me, "*expecting notification of referral to the police imminently*", "*probably the next week*". Yet he took no steps to find out whether John had reported the matter to the police or to encourage him to do so. Nor did he make any attempt to find out about police action (for example by liaising with John in the first instance) when, in September 2018, he was informed by the DoS that the matter had been reported to the police.
- 105) In any event, in early October 2018 the Fellow informed the Master that he had been notified by the police of an allegation having been made against him. However, the Master did not return to the solicitors for advice as to precautionary action as he ought to have done (and the Fellow took steps to reallocate his own teaching, although this was not required of him by the College). The next point at which action in response to the allegation ought to have been, but was not, carefully and seriously considered was in late October 2018, when the Fellow informed the Master that the police were taking no action against him. The Master did not (either in May 2018 or later) ask for, or receive, any legal advice as to what he should do if the police decided to take no action against the Fellow. The Master did not initiate any College investigation into the allegation.
- 106) There was a striking difference between the lack of formality with which the allegation made by John was addressed and action which had been taken against a former staff Fellow,³⁸ the student matter addressed in Part (III)(B) above, and the related complaint against the Tutor. In those cases an external investigator was appointed and there was frequent communication between solicitors and College representatives (in the first two cases, principally the Master): written advice was sought, solicitors were extensively copied into communications and were asked to draft important emails. The overall impression left by a comparison of these cases is that those matters were treated far more seriously than the allegation which had been made by John against the Fellow even though this allegation was far more serious than the allegations against either of the other Fellows had been. In this case the Master sought initial – oral - advice, returned to solicitors only once, much later (in September 2019), and then did not follow important parts of the advice which was provided.
- 107) Had John decided after the police investigation that he did not want to engage further with the College on the matter the position would have been very different and a College investigation may well not have been possible. But John took no such decision. The Master ought to have engaged with him after the police investigation to find out what his position was. Instead the Master appeared, on the basis of the documents I reviewed, to have been far more concerned about the Fellow and the views of some of his colleagues.

³⁸ This case was not one of the three cases covered in the Tortoise article.

- 108) Another point at which action and advice might have been taken, was in March 2019 when John made it clear, through the DoS, that he did want the College to take action. Instead of following up on that indication and contacting John to discuss the ways in which a complaint might best be made the Master once again simply left the matter for John and the DoS.
- 109) I heard at length from the Master on this matter both in writing and in person. The position he powerfully articulated can be distilled to two main points: (1) that his action (or lack of action) was dictated by the legal advice he received and (2) that he had not received a “formal complaint” from John. I did not agree with the Master’s understanding of the legal advice he received in May 2018 for reasons I explained in the full Inquiry Report. I also noted that the Master had not followed important aspects of the written advice he received on the second occasion. As to the lack of a formal complaint, while it is true that John did not submit a written document with that label, it is difficult to conceive of a reason why he would have reported the allegation to the Master had he not wanted the College to take action. And if there was any lack of clarity before March 2019, by that point John’s desire for College action was clear. At no time did the Master provide John with any guidance as to what he needed to do, by way of submitting a “formal complaint”, if this is what was required. In any event, the question as to the appropriate response to an allegation of this nature is a matter of substance, not form, and involves consideration not only of the College’s duty to the student making the allegation but also its duty to other students.
- 110) The Master also invited my attention to the difficult situation in which he found himself as a result of the Senior Tutor being on sabbatical leave at the relevant time and I recommended that the College take this into account when considering any action. It was clear to me that on pastoral matters and under normal circumstances the Master relied heavily, and quite properly, on the Senior Tutor for support. However, had he taken this matter more seriously and engaged more proactively (as I consider he ought to have done) he could have asked John whether he might involve the Senior Tutor, and approached her for assistance. The Senior Tutor was not isolated from College events while on sabbatical leave: the Master had tea with her in June 2018 and discussed concerns about the Tutor referred to in Part(III)(B) above. It was also clear that in September 2019 the Senior Tutor took a very different position to that of other College senior officers and that the Master appears to have preferred to act in accordance with the views of those other senior officers.
- 111) My overall conclusion was that from the outset this matter was not addressed with the urgency and seriousness that it merited. The way in which the Master dealt with the allegation made by John fell short of what the College was entitled to expect of him. I therefore recommended that the College consider taking action against him (see Part (VI) (Conclusions and Recommendations) below).

PART (IV)

VIEWS AND CONCERNS OF THE STUDENT COMMUNITY

- 112) My Terms of Reference required me to “invite the current Presidents of the JCR and MCR to explain the views and concerns of the current student body”. For those who might not be familiar with the terms, the “JCR” is the “Junior Combination Room” and is the association of College undergraduate students. The “MCR” is the “Middle Combination Room”, the association of College postgraduate students. Each association elects officers who form a committee to represent them. Student organisations may not always fully represent the views of the wider student body: there was frank acknowledgement of this issue amongst those I spoke to. About 80 students attended an initial JCR meeting about the Tortoise article and I was told that MCR open meetings are often very poorly attended. However, on the basis of the evidence provided to me it appeared to me that the JCR and MCR committee members had made substantial efforts to establish the views of the students and to represent those views fully. Many of the views and concerns they shared with me are consistent with views and concerns expressed by individual contributors. I sought student views more widely than required by my Terms of Reference and met and heard not only from a number of different JCR and MCR officers but also from individual students who responded to my general invitation to contribute.
- 113) I found all of the meetings and the documents which were provided to me to be of great assistance and am very grateful to all of those who found time in their schedules to meet me and to respond to my requests.
- 114) The JCR and MCR had put to the College a list of demands following publication of the Tortoise article, many of which were met and/or superseded, amongst other things, by the establishment of this Inquiry. I consider below the main themes which emerged from the various meetings I held with members of the student community and the documents provided to me. Many of the themes and concerns align with the overall themes I have identified in Part (V). Some will, I hope, be met by my core recommendations set out in Part (VI).
- 115) **Trust.** The overriding theme which emerged from student interviews and some of the documents provided to me was that there was, at that time, a lack of trust in the College’s stated commitment to student welfare. Publication of the Tortoise article had seriously damaged student confidence.
- 116) I was told that students might now be reluctant to go to Tutors with problems because of what they had read in the Tortoise article. One particular concern was that Fellows of the College are all colleagues, which might affect their approach to complaints about other Fellows or teaching/research staff. A related issue was that the College Discrimination and Harassment Contact role was also allocated to an

academic Fellow. Some expressed the view that students would be better served by seeking assistance from OSCCA than from their Tutors in cases of sexual harassment and other sexual misconduct.

- 117) Students told me that the then current mental health practitioners were very highly regarded but there was concern that some would be reluctant to seek their support following publication of the Tortoise article. It appeared to me that there may have been a misunderstanding about the Mental Health Advisor's role in the JMC process which was referred to in the Tortoise Article. I do not consider it appropriate to share the precise details of the Mental Health Advisor's contribution but I can assure students that I have concluded (having reviewed all of the evidence) that she did not breach the confidence of any student and that she found herself in a very difficult position at the JMC hearing. In the Inquiry Report I recommended that the Senior Tutor liaise with the JCR, MCR and mental health practitioners to consider how best to address any residual student reservations about making use of the provision which is available to them.
- 118) Generally, it was clear to me that the College had already recognised the need to work on restoring and maintaining the trust of the student body. In the aftermath of the Tortoise article the Governing Body established what was referred to as a panel of "unconflicted fellows" which held an open meeting (joined by the Senior Tutor) and subsequently worked on making recommendations as to the way forward. The panel met with student representatives on a number of occasions. The upshot was that the panel recommended an external inquiry and that I was appointed.
- 119) I met many members of the College Governing Body in the course of the Inquiry. Having done so I had no doubt about their commitment to restoring the trust of the student body. In the Inquiry Report I emphasised the need for the College to demonstrate its commitment to student welfare. One of the themes I address in Part (V) below relates to College statements of commitment to student welfare which had not been backed by meaningful action. My key overall recommendation was that meaningful action be taken and that the student body be fully involved. My recommended framework for such action is set out in Part (VI)(B) below.
- 120) **Information about complaints procedures.** Some students who spoke to me felt that they did not have enough information about the procedures for making a complaint about sexual misconduct. Concern was expressed that information was insufficiently well signposted and some felt that it would be better to have a physical or remote meeting at which procedures were explained, in particular to first year students. The timing of circulation of new procedures was a concern to some students who had found themselves running welfare workshops (on consent, sexual harassment etc) without full knowledge of the procedure or even, at one point, the identity of the College Discrimination and Harassment Contact. There was also considered by some to be a lack of clarity around that role.
- 121) Some of the comments and concerns to which I have referred were expressed in meetings I held in the early stages of the Inquiry, at the end of the 2019-2020 academic year. By the time I reported to the College (midway through the 2020-2021 academic year) things had moved on. JCR representatives had been involved in working with the Senior Tutor to introduce new material into the Student Handbook, which I felt demonstrated positive commitment on the part of the College to working proactively with the

student body on areas of concern to them. The new procedures were on the College website and the JCR had produced a very accessible guide (on the JCR website) to the various sources of support and reporting options. Nevertheless, there did continue to appear to be a lack of understanding on the part of some students. One part of the work I recommended moving forward (see Part (VI)(B)) was a survey of the College community, including the student community, with student knowledge and understanding of current procedures being a key focus area. I recommended that results of the survey should inform review of College processes and procedures moving forward.

- 122) I identified timing and communication of changes to procedures as a matter which must be addressed by the College. It is very important that students, particularly those who will be communicating information to others, are able to familiarise themselves with relevant procedures in good time. It would have been helpful for early information as to procedures in relation to reporting sexual harassment and/or other sexual misconduct to have been provided to students in light of their understandable concerns following publication of the Tortoise article. However, the Covid 19 pandemic produced particular challenges which will necessarily have occupied much of the time of those responsible for finalising the relevant documents, so my observation should not be taken as criticism. I recommended that for the future all relevant information be made available to students in good time before the start of each academic year.
- 123) Early communication is particularly important because of the possibility of incidents in the early days, for example during freshers' week. A first-year student who spoke to me early in the 2020-2021 academic year said that they had had concerns which were allayed once they had met their Tutor after arriving at Trinity Hall. By the time I reported to the College, virtual meetings had become the norm and I recommended that consideration be given to a requirement that Tutors have an initial meeting with first-year tutees before those students arrive at Trinity Hall. This simple measure would appear to me to go some way to starting to build up a relationship in which first-year students might feel that they can go to Tutors with serious, and personal, issues from the outset.
- 124) I was provided with information by OSCCA on the role of the College Discrimination and Harassment Contact. The role description described the purpose of the role as *"to ensure that each College has a staff member with responsibility for ensuring that there is appropriate signposting and support for students experiencing any form of discrimination or harassment"*. It continued: *"The role holder will be able to listen to the student, appropriately respond and signpost the student to support services and reporting options. The role holder will also be able to provide advice to College staff who students may access in the first instance."* The role description, which set out the main duties and responsibilities of the "CDHC" stated that it should be made clear how the role fits in to the College tutorial structure. The CDHC role has the potential to be a valuable link between the College structures and OSCCA. I recommended that the apparent lack of clarity be addressed so that students could take advantage of this additional support. I was informed by OSCCA that Colleges have anything between one to four people in this role. In light of the students' concerns about reporting to Fellows I recommended that the College appoint an additional CDHC who was a member of staff rather than a member of the Fellowship.
- 125) **Student role in welfare issues.** I heard that JCR officers organise and run welfare workshops (including on consent, contraception and sexual health) and are, in practice, an important source of

support for students with pastoral issues. Contributors described receiving and/or providing such support in connection with experiences of sexual harassment and sexual assault. Preparing and presenting training is time consuming: students not only run workshops, but create materials, organise timetabling, attendance and so on. JCR officers pointed out that the fact that workshops are run by students without College or professional input means that their quality can vary. I was told that in the 2020-2021 academic year around a third of new students were not able to attend the welfare workshop because they had an academic meeting organised at the same time. Since the student-led workshops are an important means of communicating information about welfare provision and related matters to the student body it is very important that such scheduling clashes do not occur.

- 126) More generally, I recommended that there should be some form of involvement by senior members of the College and external professional support and assistance provided to the welfare officers. Workshops on consent and sexual health may very well be appropriately led by (properly trained and supported) members of the student body. However, College leadership involvement in introducing and answering questions on relevant policies, procedures and avenues of support would (a) ensure that accurate information was provided and (b) provide some reassurance to the student body of the College commitment to tackling the difficult issues with which this Inquiry has been concerned. I recommended that the Working Group to which I refer in Part (VI) consider how support with student welfare workshops can best be provided.
- 127) It is inevitable that whatever action the College leadership takes, student welfare officers in particular are likely to continue to be required to provide support and guidance. Many students will simply not feel comfortable (at least in the first instance) sharing their concerns with senior members of the College. In the circumstances, it is important to ensure that support for the welfare officers themselves (in the form of counselling and training) is readily available. Any training should be externally provided. In time, enhanced confidence in College systems may reduce the burden on these individual students. (I emphasise here that none of the students and former students to whom I spoke described their role as a “burden”. It was clear to me, however, that the role could take a significant emotional toll). I would, however, anticipate the student welfare officers continuing to constitute an important part of the overall welfare provision.
- 128) **The tutorial system.** Concerns were expressed about whether the tutorial system was the appropriate channel as a first step towards addressing complaints about sexual misconduct. The advice given by JCR officers to new students was that if they had a serious complaint about sexual harassment they should go to OSCCA. I did not detect confidence, amongst those I met, in the capacity of the tutorial system to address these matters effectively. As I have indicated, some students prefer to approach welfare officers.
- 129) Those I spoke to raised a number of specific concerns. One was that Tutors are colleagues of those who might be the subject of a complaint or concern, and this may affect their approach. Another was that Tutors did not receive sufficient training on these matters. Some thought that, in reality, the system in which Tutor-student meetings are often very brief, even hurried, frequently taking place at the end of

term, might mean that the situation is not conducive to tutees expressing their concerns to Tutors, or to Tutors delving further to find out whether there were any problems. Confidentiality was also a concern.

- 130) There was also a question as to whether Tutors have enough time to carry out the role properly, given their research, teaching and departmental commitments and discussion as to whether it would be more effective to employ dedicated staff in this role, or alternatively as professional support.
- 131) The perception that Tutors do not have training is unfortunate given the efforts which are made in that regard. The Senior Tutor provided me with information about training provided to and undertaken by Tutors by way of online materials and an annual 'Awayday' training session for tutors and tutorial/office staff before the start of the academic year. It would be reassuring for students to know that Tutors spend a considerable amount of time preparing for the role. I recommended that information on the training undertaken by tutors, and associated materials, be made more widely available and that areas in which additional training is required be considered by the Working Group, informed by the cultural survey (see Part VI).
- 132) I understand that attendance at the Awayday is regarded as very important, but it appears that it is not compulsory. In other words a person may act as a Tutor even if they have not attended the Awayday that year. Although attendance at the sessions is usually very good, attendance should be a condition (save in exceptional circumstances) of the tutorial role. The Awayday should not conflict with other important events (as it did in 2017, when 7 of those invited were obliged to withdraw at short notice to assist with another College event).
- 133) In two of the three central cases students approached Fellows who were not their Tutors to report allegations. This demonstrates the need for training in relation to disclosures of sexual harassment and other sexual misconduct to be provided beyond the tutorial team, and in particular to Directors of Studies. A number of College Fellows attended an OSCCA course on *Responding to Harassment and Sexual Misconduct in the Collegiate University Setting* after I invited the Senior Tutor's attention to it in November 2020. In the Inquiry Report I recommended that the College Discrimination and Harassment Contact circulates information about such courses widely, encouraging attendance from all those outside the tutorial team to whom students may disclose allegations and, in particular, Directors of Studies.
- 134) In light of my review of the evidence in relation to the student complaint referred to in Part (III)(B) above it is particularly important for the College (and not only the Tutors) to develop a shared understanding of the amount of support with written statements it is appropriate for a Tutor, or another individual, to provide. There appeared to be differences of view amongst the College community as to whether it is appropriate for a Tutor to produce an initial statement – in his or her own name – reporting the details disclosed by a student. There were also differences of view as to whether it is appropriate to suggest amendments to a student's statement.
- 135) I invited the College's attention to guidance given by OSCCA and recommended that the Senior Tutor produce written guidance on this subject so that there is no room for misunderstandings in future. Such guidance must take account of the need to remove barriers to reporting sexual violence and the

difficulties survivors of sexual violence may experience being required to describe their experiences in writing. The importance of the need for assistance and guidance in writing complaints is underlined by the contribution of a former student who wrote, and later spoke, to me about what they described as a “failed attempt to raise the conduct of several members of College”. They and a number of students had raised matters of concern in a meeting but were told they needed to provide a written account. The student did not know how to formulate their complaint and therefore did not proceed further.

- 136) Informed by my review of the events to which I refer in Part (III)(B) above, I recommended that a more formal system of application and appointment to tutorial roles be adopted, in good time before the start of each academic year. I also recommended that the Senior Tutor consider implementing a system of annual appraisal for Tutors. I understand that Trinity Hall is not unusual in *not* currently having a formal appraisal structure and that it has become increasingly difficult in recent years to recruit colleagues as undergraduate Tutors, given their commitments to teaching, research and administration. However, a system of appraisal need not be unduly burdensome and would serve as a means of early identification of any concerns and training needs.
- 137) Students have correctly recognised the considerable demands that being a Tutor places on those who agree to take on the role, in addition to a number of other competing commitments and responsibilities. It was clear to me from my review of the events referred to in Part (III)(B) above, acting as a Tutor is indeed a significant commitment. Different approaches are likely to be adopted by different individual Tutors. However, those Tutors who have been involved in some of the matters which I have reviewed in depth appear to have prioritised tutorial responsibilities and devoted significant amounts of their own “free” time to them. I was also made aware of the many additional hours that Tutors spent offering much-needed informal pastoral support and advice to their tutees during the pandemic, when general anxiety levels were understandably high and a significant number of tutees were required to enter isolation.
- 138) Overall, my view is that the tutorial system has the potential to provide great benefits to students. I have seen many examples of Tutors providing valuable and significant assistance to tutees. It does, however, need to be supplemented with external sources of support to which Tutors can signpost students as appropriate. Students are not obliged to approach their Tutors with particular issues and in practice many seek assistance elsewhere (as some of the cases I have reviewed have shown). Nevertheless, allocation by the College of a senior member of the College who a student knows has committed to overseeing their pastoral care sends a positive message and provides a first point of contact should the student wish to use it.
- 139) One final point was that some contributors perceived there to be a comparative lack of tutorial support for graduate students. I recommended that consideration be given to enhancing tutorial provision for graduate students.
- 140) **The system of supervision.** Various issues relating to the system of academic supervision were raised. I was told that in previous years students might have been hesitant to raise concerns about inappropriate conduct on the part of academic supervisors. The atmosphere was, however, felt to have

changed more recently. Students suggested that an informal, but nevertheless structured, approach would be useful to address what were described as ‘lower level’ concerns about supervisors, such as inappropriate comments. A student might hesitate to raise a formal complaint – but it should nevertheless be possible to have such issues addressed.

- 141) A more fundamental question was raised about the nature of the supervision structure itself, and the relationship between supervisors and supervisees which could make young undergraduates, in particular, quite vulnerable. There was also concern about whether supervisors were adequately prepared or trained. It was suggested that Directors of Studies should have specific training requirements for supervisors, and indeed that Directors of Studies themselves, who tend to have much more influence over the undergraduates’ lives than Tutors, and often fill a welfare role, should also have more formal welfare training.
- 142) A related issue was the need for specific rules for supervisors about the conduct of supervisions, such as suitable locations for teaching, appropriate treatment of undergraduates, safeguarding and so on. A more formal system of feedback on supervisors was suggested, so that concerns were more likely to be raised and MCR representatives suggested University-wide system would be appropriate.
- 143) A University-wide system was well beyond my Terms of Reference but oversight of those engaged by the College to provide supervision to its students was not. Nor is the important point about the appropriate means to address “lower level” concerns. One of my priority recommendations is that the College must create an environment in which such concerns are expressed and acted on.
- 144) As to oversight of supervisors, I understand that practical arrangements regarding supervisions and other forms of College teaching are delegated by the Senior Tutor to the Director of Studies. I recommended that the Senior Tutor consider producing and implementing a structured framework within which Directors of Studies carry out their responsibilities, to include a means of ensuring that any supervisors have received appropriate equality and diversity training, and in particular any training instituted by the Working Group to which I have referred in Part (VI).
- 145) **Transparency and communications with the student body.** Students expressed a general concern about a lack of transparency on the part of the College.
- 146) There was particular concern that the College had initially cited confidentiality as a reason for withholding information from students at the time of the publication of the Tortoise article. The open meeting in February 2020 highlighted this problem. Many of the students’ questions at that meeting were met with the response that the panel could not answer because the information was confidential. (Although it is worth noting that whatever the dissatisfaction with the panel in that respect, I heard the view expressed that after that the panel worked tirelessly to respond to the issues raised in the Tortoise article: see my comments on the first theme, above).
- 147) A connected concern was the way that student participation in the Governing Body works. At the time I reported the position was that at least six student representatives regularly attended Governing

Body meetings - three from the JCR and three from the MCR; and, in addition other representatives might attend such as the welfare officers and women and non-binary officer. However, many items at the Governing Body meetings were 'reserved' and students were not permitted to attend for these discussions. Students felt that this hindered their involvement and had no understanding of the criteria which were used to determine whether business was reserved or un-reserved.

- 148) A separate aspect of this concern was that the College relies too much on the student bodies to convey information more generally, for example as regards the proposed review of governance which was announced by the College in November 2019. I was also told of a situation in which student representatives had been provided with information about one aspect of the matter I have reviewed under Part (III)(A) above and asked not to disseminate the information to the student body. This put the student representatives in a very difficult position.
- 149) Student representatives ought not to be relied upon to communicate information about matters such as the governance review to other students. Furthermore, since student input appears to have been invited there does not appear to me to have been any good reason why the review, which had been publicly announced, should have been included as reserved business in Governing Body meetings. I note that there were both unreserved and reserved discussions about the same issues. There are very good reasons for dealing with certain items of business confidentially, but on matters which are of heightened importance to the student body careful consideration should be given to being more open. I recommended that students be provided with clear published criteria addressing the dividing line between reserved and unreserved Governing Body business so that they can understand how business is allocated. The publication and application of such criteria would be likely to increase the student body confidence that difficult matters were not being covered up.
- 150) On a related note, outside Governing Body business, I recommended that the College produce a clear policy addressing the types of information which will routinely be shared with the student body. A particular issue arises where, as will often be the case, there are legitimate reasons not to disclose information relating to an individual on grounds of confidentiality. I recommended that where it is not possible to disclose information which students have requested the College should explain clearly why doctrines of confidentiality, privacy, and in some cases data protection obligations mean that disclosure is not possible rather than simply referring to confidentiality. The existence of a policy, and an explanation which demonstrates that the case has been carefully considered against that policy, should mean that students are less likely to be left with the impression that confidentiality is being used as a cloak for what is in reality a lack of transparency.
- 151) Consideration should also be given to whether it is appropriate for senior members of the College to provide confidential information to students acting in their capacity as representatives of the student body, but to ask them not to pass this information on to the students they represent (which, I have been informed, has happened in the past). I recommended that if this is considered to be appropriate, the policy to which I have referred above should set out formal guidelines for the circumstances in which information can be provided to student representatives on this basis.

- 152) Finally, I recommended that the College's Head of Communications should consider the appropriate way in which to alert students to matters which are likely to attract media attention. Students were understandably unsettled by learning about some of the issues with which the Inquiry was concerned for the first time in national media. While it is not possible to legislate for every situation a clear policy should, as above, increase student confidence that the matter has been carefully considered.
- 153) **Student voices.** More broadly, there was concern that students' voices should be heard, both generally and as regards any report on the events referred to in the Tortoise article. Student voices are central to the framework which I recommended (see Part (VI)).

PART (V)**GENERAL THEMES AND PATTERNS**

154) In addition to receiving information from those who were able to contribute evidence about the way in which the cases covered by the Tortoise article were handled I received contributions covering a range of broadly related matters. Some contributors provided me with helpful background information relating to the College and the three central cases. Most of the other contributions I received fell into one or more of two categories:

- a) Contributions from former students and Fellows (former and current) relating experiences of sexist language, sexual harassment and assault and the way in which those matters had (or had not) been addressed by the College. Some contributors had chosen not to report the conduct concerned to the College and explained why. I also heard from contributors who had been the subject of a complaint.
- b) Contributions expressing concern and containing general observations and comment on the matters raised by the Tortoise article, with suggestions for change moving forward. The majority of such contributions came from former students, many of whom had relevant experience: including in law, education, business, management and organisations dedicated to tackling sexual misconduct.

155) Considering the second category of contributions to which I have referred above, I was struck by the deep affection which former students have for the College, which has driven many of the contributions to me. Rather than simply leaving the College behind and moving on these people have demonstrated a continuing commitment to its future. I recommended that the College draw on this valuable commitment and experience moving forward (see Part (VI)(B)).

156) The Terms of Reference for the Inquiry did not call for a comprehensive review of the nature and scale of sexual misconduct at the College past and present, or indeed for a comprehensive review of the handling of complaints. I have been dependent upon individual contributors coming forward and volunteering their experiences. I know that some will have been deterred by the fact that the default position set out in my Terms of Reference is that the names are provided to the Inquiry Committee (although I have agreed to withhold some names). Others will not have considered their experiences to be relevant to the matters which I am considering, given the focus of my Terms of Reference.³⁹ In these circumstances the incidents which were described to me cannot be regarded as anything more than examples. There are nevertheless themes which emerged, which are at one with the themes I have identified in the three central cases.

157) I did not add to the length of the Inquiry by conducting in depth investigations into the handling of any of the individual complaints to which contributors referred (in the sense of requesting all relevant

³⁹ This point is illustrated by the fact that two former students I contacted in connection with my investigation of the “John” allegation referred in the course of interviews to sexual assaults by members of the College (I emphasise that neither involved the College Fellow against whom John had made the allegation).

documentation from the College/individuals concerned and questioning those responsible). The approach I adopted was to analyse this category of contributions in order to identify any themes or patterns which the College should address moving forward. Some of the themes run through the three central cases, to which I refer where relevant below.⁴⁰

- 158) **Individual compassion, dedication and support.** The first theme is a very important positive. Many of the contributions I received referred to valuable support received from particular individuals within the College community, many of whom are or were College Fellows. It is very important that this does not get lost amongst my overall findings which – in accordance with my Terms of Reference - focus on identifying errors and omissions. The central student/student complaint case illustrates the dedication of individual Tutors to their tutees, including a Tutor to whom D was allocated at short notice after the complaint was made against him. “John” turned to his Director of Studies for support. The 2015 complainants received support and assistance from a Fellow with whom they had no previous connection but who had heard of their concerns through one of his own students. While not universal, this theme runs through many of the other contributions I received. What is clear is that, for a variety of reasons, students do not always approach their Tutors with concerns (and I have been told of specific cases in which students felt that their Tutors were positively unsupportive) but choose those with whom they feel they have the right personal relationship. This will often be a Director of Studies or another Fellow in the student’s subject area.
- 159) The wide variety of those from whom students seek support in practice highlights the need to ensure that all College Fellows, and the Master, have a clear understanding of the way in which issues of sexual harassment and other sexual misconduct should be addressed so that clear and accurate information can be provided to those seeking their support. Relevant training should not be limited to the tutorial team.
- 160) Consistently with my general approach to this report I have not included the names of those Fellows about whom I received such positive comment. However, I can say that the names of certain Fellows were recurring. Moving forward, this high level of commitment from individual Fellows must be made part of a coherent and holistic institutional approach.
- 161) Before leaving this theme, particular attention must be drawn to the positive contributions I received about the support provided by the Master personally. An inquiry of this nature has a natural tendency to result in overwhelmingly negative contributions. In this context positive contributions are particularly significant. I have received a number of such contributions about the Master. Some were in very supportive but general terms. Others described specific situations in which the Master had provided personal support for them as survivors of sexual violence. The father of a student who had suffered a sexual assault which had a serious effect on her ability to continue with her studies wrote to me saying that his daughter thought it important for me to be aware of the manner in which the Master had assisted her (and she agreed to me referring to this correspondence anonymously). The father’s letter described

⁴⁰ In the Inquiry Report I quoted anonymously from a considerable number of submissions and documents which had been provided to me by individual contributors. I have removed the majority of those quotations from this report in response to concerns expressed by the Governing Body, as I explain in Part (I) – Methodology and Reporting.

the Master responding promptly to a request from him for assistance and taking action which ultimately resulted in his daughter being able to continue on her chosen career path.

- 162) **Importance of understanding effects of sexual violence.** It is important that the College ensures that those responsible for the welfare of students (including their academic welfare) understand the effects which experiences of sexual assault have had on them so that, amongst other things, these effects can properly be taken into account when decisions are made about adjustments to study. In light of evidence provided to me I recommended that consideration be given to training needs in this area. In the meantime, I recommended that external expert assistance be sought in particular cases in order to inform decisions as to appropriate adjustments which might need to be made for any particular student.
- 163) **JMC proceedings.** Although this is a non-theme, it merits attention. The evidence provided to me did not suggest that the way in which A and B's complaint was addressed was part of any general pattern. I was provided with information about another complaint of sexual harassment (including unwanted sexual contact) made by one student against another. That case was handled very differently and came promptly before a committee of the JMC for consideration. The JMC actively managed the procedure moving forward, communicating directly with the students concerned and with their Tutors. The Acting Senior Tutor and Master had very little involvement. That approach would have been better in the student case addressed in Part (III)(B) above.
- 164) **Barriers to reporting.** Some people told me of sexual misconduct of members of the College which they did not report. Their reasons were varied and included: embarrassment; not knowing what the College would be able to do about the issue; believing that nothing would happen; not wanting to relive experiences; and feeling that they would not be believed. Lack of understanding and sometimes misunderstanding of procedures was another reason. I recommended that an examination of barriers to reporting be amongst the focus areas of the cultural survey (see Part (VI)(B) below).
- 165) **A "quiet" approach to complaints** I received a number of contributions to the effect that in the past any concerns were addressed in, as one contributor put it "*an extremely quiet manner*" which was "*so quiet that I was unsure whether the matter had actually been dealt with and the case closed.*" On the basis of the limited evidence provided to the Inquiry this did not appear to me to represent the current approach but I noted that there may well have been additional evidence to which I was not referred and recommended that the way in which complaints have been handled should be surveyed.
- 166) **Male Dominated Culture.** Some contributors wrote and spoke to me of feeling that the College culture was male-dominated. A number of past and present Fellows expressed concern about a culture in which some colleagues appeared to find sexist language acceptable, describing specific incidents to illustrate their concerns. Some students spoke of the prominence, until recently, of the all-male "Crescents" student drinking society. The contributions I received were an insufficient basis upon which to draw any firm conclusions as to the present existence and extent of such a culture. However, the observations as to the past lent weight to my general conclusion following my review of the central cases that a fuller exercise gathering evidence as to College culture was necessary.

- 167) **Addressing Lower Level Concerns.** I have already touched on the fact that students have been hesitant to complain about what might be described as “lower level” concerns about academic supervisors. I was provided with examples of what were described as “*casually sexist comments*” and “*everyday sexism*”. One of the key themes which emerged from the evidence I received, was the College requirement for a formal complaint before action would be taken. Since many students will not wish to formally complain, particularly about “lower level” issues, the failure to take action without a formal complaint contributes to a culture in which lower level sexual misconduct (such as sexist language) is understood to be tolerated. If addressed, and stopped, at an early stage the more serious effects of sustained sexual harassment can be avoided.
- 168) In the Inquiry Report I emphasised the need for the College to explore ways in which behaviour can be addressed proactively. The cultural survey I recommended would be a first step. From there appropriate training needs should be identified, targeted on particular types of behaviour. But active management on the part of senior leadership is also required. I recommended that moving forward the College ensures that the Master, who is responsible under the College Statutes and Ordinances for managing the Fellowship, takes a far more active role in response to concerns about sexual misconduct (however “low level”).
- 169) **Insufficient positive action.** Overall, my assessment was that the College had adopted a largely reactive approach to issues surrounding sexual harassment and other sexual misconduct. While a series of amendments had been made to complaints procedures there appeared to have been little, if any, focus on positively developing an institutional culture in which sexual harassment and other sexual misconduct was not tolerated. I have referred above to the valuable experience of some former students and was provided with email exchanges between one of these students, who worked for a national charity, and the Master. The former student approached the Master in December 2017, shortly after he had agreed a College statement in relation to the matter addressed in Part (III)(A) above which contained the following: “[t]here is no place for any form of harassment or sexual misconduct at Trinity Hall and we maintain a zero tolerance approach to any such incidents”. The statement also said that: “Trinity Hall remains dedicated to maintaining a safe, welcoming and inclusive environment that allows our students to flourish.”
- 170) The former student referred in her email to a programme of training that her organisation had provided to other colleges and suggested that it might be helpful to have a conversation about the services they had provided. The Master replied saying that he would pass the offer onto the Senior Tutor. The former student did not hear from anyone until June 2019 when enquiries were made with her about the possibility of a seminar for the October 2019 Tutorial Awayday.
- 171) I have been provided with information about training provided to the tutorial team in 2018 and 2019 which included sessions on sexual offences from the Sexual Assault Referral Centre at the Elms, Huntingdon and a session from the Director of the Good Lad Initiative. The lack of response does not, therefore, indicate a complete absence of commitment to the issues. However, the lack of an immediate positive response to the former student in December 2017 underlines what I considered to be a failure to appreciate the importance of the substantive issues with which the College was grappling at that time.

A firm commitment to the stated “*zero tolerance approach*” to incidents of sexual harassment and misconduct would have been demonstrated by seizing the opportunity offered by the former student and engaging the College community in the training programme.

172) In late 2019 the College issued two public statements addressing events which had arisen following the complaint of sexual harassment which I have addressed under Part (III)(A). The statements followed adverse media coverage of the College’s actions and included the following:

- a) On 24 October 2019: “*The safety and welfare of everyone at Trinity Hall is of paramount importance, and we take any claims of inappropriate behaviour very seriously. We are committed to providing an environment at the College in which everyone is treated with dignity and respect*”. The statement included a commitment that “[a]ny reported instance of harassment, whether current or past, will be taken very seriously and appropriate action taken.”
- b) On 6 November 2019: “*We are unwavering in our commitment to provide an environment at the College in which everyone is treated with dignity and respect.... The safety and welfare of everyone at Trinity Hall is, and has always been, of paramount importance. Any reported instance of harassment, whether past or current, will continue to be taken very seriously and appropriate action will be taken.*”

173) A month before the first of these statements was published a friend of “John” had written to the Master setting out what he knew of John’s allegation and the College’s response to date. He said that he felt “*compelled to write to you and to insist that action be taken within the college*”. Legal advice as to appropriate action was taken but important parts of the advice were not followed.

174) There was a gulf between the College’s stated position and the action which was taken in practice. My core recommendation to the College was that its stated commitment should be backed by action, to which I now turn.

PART (VI)**OVERALL CONCLUSIONS AND RECOMMENDATIONS**

- 176) The confidence of the student community (past and present) in the College's commitment to student welfare was rocked by publication of the Tortoise article. My overall conclusion, informed in particular by the way in which the allegation made by "John" was handled, was that their concern was well founded and that immediate action was required to restore their trust.
- 177) In the Inquiry Report I identified as a key priority the need to reassure the student community that any concerns about existing Fellows would be properly addressed. The responsibility for addressing such concerns sits with the then Master under the College Statutes and Ordinances (see Part (II) above). The Master has the power and the duty to investigate concerns about a Fellow (whether or not a complaint has been made) and to initiate formal disciplinary action against Fellows under the College procedures in appropriate cases. In the absence of the Master, or of a Vice-Master, at the relevant time the responsibilities sat with the Acting Vice-Master. I recommended that he address the student community and explain how he would fulfil these important responsibilities until either a new Master was appointed or the Master returned to his post. I return to this point further in section (B) in which I set out priority recommendations. Before doing so I address the particular position of the Master in section (A).

(A) THE MASTER

- 178) At the time I reported to the College the Master's term of office was due to expire at the end of September 2021, subject to the possibility of renewal for a further 3 years. In 2013 the College had produced a detailed job description for the post. That job description does not touch on the types of issue with which the Inquiry had been concerned.
- 179) My Terms of Reference required me to identify errors and/or omissions. I identified a number of errors and omissions on the part of the Master in dealing with the three central cases. However, as I noted in the introduction to this report, any detailed review of the way in which any individual or institution has addressed such challenging matters is likely to identify errors. Furthermore, errors or omissions in areas which were not considered to form a significant part of the job a person was appointed to carry out can often be appropriately addressed by the provision of appropriate training and support moving forwards.
- 180) The Master's 2013 job description provided as follows:

“The Master, as Head of House, takes responsibility for the College's tone and reputation, and is involved in all aspects of College life. He or she provides the strategic direction and inspiration for the College to fulfil its charitable objective of being a place of education, religion, learning and research. The Master chairs many important committees, but is not expected to take part in the day-to-day running of the College, which is a democratic, self-governing institution, the ultimate authority for which rests with the Governing Body. The Master should remain well informed of all aspects of College business, but aim to preserve a degree of detachment that allows the proper operation of established procedures by the College Officers.

The Master is central in fostering a sense of community among the Fellows, staff, students, alumni and benefactors. He or she should be seen to be approachable by any member of the College, engaging socially with students, staff, Fellows and past members, and take an active interest in their professional and personal development. Indeed, the Master is expected to play a prominent role in the academic and social life of the College, and will host many of the official College functions, as well as visitors to the College. He or she must therefore enjoy entertaining in the Master's Lodge. Communal dining is a central feature of College life, and the Master is expected to preside regularly at the High Table.”

- 181) Specific duties were summarised under five headings – College governance, strategic oversight of academic matters, alumni relations and fundraising, strategic oversight of College finances and external representation of the College. As to College governance, the Master was “*responsible for ensuring the good governance of the College*”, but there was no express reference to the responsibility of the Master for ensuring that concerns about the capability and conduct of Fellows were effectively addressed, under disciplinary procedures if necessary. The closest the job description came to this was to say that “[a]t times, the Master may also be called upon to conciliate, mediate or arbitrate in contentious matters, balancing and reconciling conflicting views for the good of the College”.
- 182) The Inquiry Report was not a general and balanced assessment of the Master's fulfilment of all his duties over the period concerned. The Inquiry's focus on specific areas which were known to have been particularly challenging was naturally more likely to result in a critical assessment. In these circumstances it was very important to recognise the valuable personal support which the Master had provided to students, some of which is referred to in Part (V) above.⁴¹ As to his general contribution, one contributor wrote to me (consistently with what others also wrote or said to me) as follows.

“I have always found [the Master] to be very considerate and accommodating in all his dealings with people, including being very empathetic and sympathetic to all

⁴¹ Paragraph 161.

sides of a situation. I would find it hard to believe he would have approached the current situation in any different way.

I have found he approaches challenges with a spirit of consensus and collaboration, an admirable character trait in a leader of any institution. Personally I have found both his contribution and success for the College to be an inspiration.”

- 183) My overall assessment was that the Master did approach the issues with which the Inquiry was concerned in a spirit of “*consensus and collaboration*”. He responded to the Inquiry itself in the same way: he was open and collaborative in his meetings with me and worked long hours in order to respond to requests I made of him for information and documents.
- 184) However, seeking consensus and collaboration is not always appropriate. I have highlighted the Master’s personal responsibility under the College Statutes and Ordinances for certain matters relating to the capability and conduct of Fellows. Discharging that responsibility requires firm management action and, at times, taking decisions with which others might not agree. My review of each of the three central cases and related matters highlighted points at which decisive management action in connection with the conduct of Fellows ought to have been, but was not, taken.
- 185) Conversely the Master’s collaborative approach (and desire to assist his colleagues) resulted in his being far more involved in the student JMC case than he ought to have been: in short, he ought to have stepped back after he had decided to refer the matter to the JMC. I have seen no evidence that the Master sought to influence the substantive outcome of the JMC hearing but his continued involvement in procedural issues went beyond what was required (and in my view permitted) of him by the relevant College Statutes and Ordinances. He also continued to consult the Acting Senior Tutor on procedural issues related to the JMC and shared the evidence with him although the Statutes and Ordinances do not provide for the Senior Tutor to have any role after referral to the Master (and despite having been notified in May 2018 of John’s allegation against the Acting Senior Tutor).
- 186) In view of what appeared to me to be the serious mismatch between the Master’s statutory responsibility and the job description drawn up by the College, I approached cautiously the question of whether action should be taken against him. In light of the imminent expiry of his term of office, I would not have recommended that the College take disciplinary action against the Master were it not for the way in which he responded to the allegation made by “John”. I recommended that the Inquiry findings (as set out in the full Inquiry Report) inform the College process for appointing a Master from October 2021 (or deciding on renewal of the Master’s appointment should he decide to apply). In the meantime, management support, and oversight, could have been put in place to ensure that the majority of the issues identified by the Inquiry were properly addressed for the remainder of his term.
- 187) However, I considered the way in which the Master responded to the allegation made by “John” to be of a different nature and scale to the other issues. There were, in my view, serious errors of judgement which called into question the Master’s suitability to continue in office for the remainder of his term. I

therefore recommended that the College consider initiating the statutory procedures for consideration of his removal from office.

188) I turn now to my general conclusions and procedural recommendations.

(B) GENERAL CONCLUSIONS AND RECOMMENDATIONS

189) At the end of this section is an Appendix containing a table in which I set out recommendations which relate to particular issues which I considered in the course of the Inquiry.

190) I focus here on key conclusions and recommended actions in two priority areas and conclude by touching on a governance issue. In this section I use the term “sexual misconduct” to encompass all forms of unwanted behaviour of a sexual nature (including sexist language, sexual harassment and sexual violence).

Allegations of Sexual Misconduct Against Fellows

191) In light of the conclusions I reached, in connection with the allegation made by John in particular, the student body may have justifiably continued to be concerned about the College response to reports of sexual misconduct on the part of College Fellows. I recommended that in the longer term the Working Group to which I refer below produce a dedicated policy which specifically addresses Fellow-Student Sexual Misconduct. However, I emphasised that more immediate action was required to reassure students that appropriate action would be taken. I noted that the section of the College Student Handbook dedicated to College policy on criminal behaviour (including sexual misconduct) was focussed on complaints against students and did not appear to contemplate a complaint being made against a Fellow. However, the College Code of Conduct for the Master and Fellows (set out in Part B of the Governing Body Regulations) made it clear that an act of “indecent or sexual harassment” would normally be regarded as gross misconduct which would lead to summary dismissal.⁴² Students needed to be provided with clear information about the process which would be followed in the event that an allegation was made.

192) **A Clear Statement.** Since the Acting Vice-Master was then responsible for addressing such issues I recommended that he explain to the student body what action would be taken in response to any allegation of sexual misconduct against a Fellow which was to come to his attention (either directly or indirectly). I recommended that any such statement cover:

- a) A commitment to carrying out an immediate, documented, risk assessment in every case in accordance with which action (including precautionary action pending investigation) would be taken.

⁴² Under the processes set out in Ordinance 22.

- b) Details of the support and assistance which would be provided to a complainant who wished to report either to the College or elsewhere (e.g. to the police or OSCCA).
- 193) **Safeguarding Advice.** I recommended that for the immediate future the College commit to referring any allegation of sexual misconduct that might be made against a Fellow to an expert safeguarding professional, or lawyer with significant safeguarding expertise, who should provide advice throughout the process. Although many students will not fall within the categories of those to whom strict “safeguarding” duties are owed under relevant legislation (namely children and vulnerable adults) the College has duties of care to all students. Safeguarding expertise, in particular in relation to risk assessment, will assist in ensuring that the College takes appropriate action in response to any disclosure of sexual misconduct.
- 194) **A Proactive Approach.** I have highlighted on a number of occasions throughout this report certain views that action cannot be taken in the absence of a formal complaint. This is wrong. There are many forms of action which can and should be taken depending on the circumstances (and in particular the severity of the conduct in question): for example an informal management conversation without disclosing the identity or identifying details of the potential complainant; bystander intervention (where the relevant behaviour has been observed); a focussed training intervention; or focussed monitoring. A failure to take any action contributes to an institutional environment in which such behaviour is known to be tolerated. Current and future College leadership must embrace a more proactive approach to responding to concerns, however the information is received.
- 195) As I have explained in Part (V) above my Terms of Reference were directed at considering the way in which particular complaints of sexual misconduct were addressed rather than ascertaining the nature and scale of sexual misconduct in the College community. I nevertheless received a sufficient number of contributions relating experiences of sexual misconduct to conclude that this is an important issue which needs to be addressed. Because many incidents of sexual misconduct go unreported it is important to focus on developing an institutional culture in which sexual misconduct is not tolerated rather than simply refining complaints procedures. I emphasise that this issue is not specific to the College and that many (if not all) higher education institutions have much work to do in this field.
- 196) I was acutely aware of the added pressures on the College and on particular members of the College community throughout the course of the Inquiry as a result of the global pandemic. In the Inquiry Report I identified key first steps (set out below), which I considered to be discrete, and manageable. The framework I set out was quite prescriptive and I noted that the College could depart from it if parts were not considered to be appropriate. My suggestions were intended to avoid a situation in which important actions were publicly announced but no progress made.

Working Group on Sexual Misconduct

- 197) In the Inquiry Report I invited attention to evidence from the higher education sector that effective change in this area requires, amongst other things, (a) a long term and visible commitment from senior leadership and (b) a holistic institutional approach which is developed with significant input from students.⁴³
- 198) I recommended that the College establish a Working Group on Sexual Misconduct with representatives from all parts of the College community (JCR, MCR and SCR) with the SCR representatives including members of the College senior leadership team and in particular the Senior Tutor. I have referred in Part (V) above to valuable contributions to the Inquiry made by former students with a wealth of relevant experience and expressed the view that the College should draw on this experience, including former students in the Working Group. I suggested that the Working Group be made up of around 4 senior members, 4 current students and 4 former students (with relevant experience) and that should there be too many volunteers in any group, a vote (open to the College community rather than limited to the Governing Body) might be appropriate.
- 199) **Cultural Survey.** I recommended that, once constituted, the Working Group work together to identify an appropriate – external – person to lead the review of sexual misconduct processes and procedures to which the Governing Body committed in November 2019. In the meantime, and in any event, I recommended that the Working Group commission a College wide cultural survey noting that some of the former students to whom I have referred above had considerable experience in this area and would be likely to be able to provide valuable input (even if not formally members of the Working Group) in selecting the most appropriate provider.
- 200) I bore in mind that the College is a relatively small institution and part of a wider collegiate university which has its own institutional approach and structures in place. The College is, however, an independent institution with its own culture. The Inquiry identified issues with that culture which must be addressed at College level.
- 201) I noted that the detailed content of the survey would be a matter for the Working Group and the chosen provider but that it must include questions designed to enable an assessment of:
- The nature and extent of sexual misconduct in the College community
 - The extent to which sexual misconduct is reported
 - Barriers to reporting (with some questions focussed on knowledge of procedures)

⁴³ In particular Universities UK reports: [Changing the Culture: Report of the Universities UK Taskforce examining violence against women, harassment and hate crime affecting university students](#); and [Changing the Culture: Tackling Gender-Based Violence, Harassment and Hate Crime: Two Years On](#). Since the Inquiry Report was provided to the College the Office for Students has published a [Statement of Expectations for Preventing and Addressing Harassment and Sexual Misconduct Affecting Students in Higher Education](#).

- Awareness of College/University policies in relation to sexual misconduct

- 202) I emphasised that the survey should be College-wide and the questions not be limited to sexual misconduct against students. An institution wide approach must embrace the College staff, Fellows and students. I noted that on the basis of the material provided to me it appeared that significant changes had been made in recent years. In the circumstances I therefore considered that the survey could properly seek input from current students, staff and Fellows rather than more widely emphasising that the important point would be to assess current College culture and to use the information gathered to inform action moving forward.
- 203) I emphasised that the survey must be anonymous and confidential. Significant concerns were expressed by many contributors to the Inquiry about what they consider to be breaches of confidentiality obligations in the past. In the circumstances, many would be likely to be unwilling to participate if required to provide their name.
- 204) **College-wide Training Programme.** I recommended that the Working Group commission a high quality externally led training programme tailored to the needs of the College as identified by the survey results. I noted that the survey may reveal that different parts of the College community require different training and that the evidence which had been provided to me suggested that the Fellowship, in particular, would benefit from active bystander training which I recommended should be specifically considered. I also recommended that consideration be given to identifying those parts of the College community to which training on disclosures of sexual misconduct should be provided. I emphasised that it would be important for all members of the College community to engage in the training programme, noting that the Working Group must consider how best this can be achieved (and, if necessary, enforced).
- 205) **Prevention Initiatives.** I recommended that, informed by the results of the cultural survey, the Working Group should consider what additional prevention initiatives are required with particular consideration being given to the ways in which anonymous reporting and third party reporting might be encouraged and used. I recommended that the Working Group consider producing a clear statement, to be adopted by the College, of forms of behaviour which are not tolerated.
- 206) **Review of Processes for Handling Complaints of Sexual Misconduct.** I made a number of specific recommendations (summarised in the Appendix to this part) and recommended that the general procedural review to which the College had committed include an assessment of the effectiveness of current procedures, informed by the results of the cultural survey. My conclusions in relation to the specific cases I reviewed suggested that students would benefit from a procedure which is specifically directed at allegations of sexual misconduct made by students against Fellows. More generally, I recommended that the review consider how best to provide clear and sufficient information to students so that they are able to understand what steps might be taken (and what this means for them) in response to any allegation they might make.
- 207) **Timing.** In the Inquiry Report I recognised that the steps I had outlined above would require careful consideration and may take some time but emphasised that implementation should not be a long drawn-

out process. I considered, and stated, that a realistic target would have been for the Working Group to be constituted and arrangements for the cultural survey to be put in place by the beginning of the Easter Term 2021. A short window for completion of the survey at the beginning of Easter Term would have enabled results to be analysed and training commissioned during the Easter Term. For students, training could then take place at the beginning of the 2021-2022 academic year with Members of the Fellowship and staff being required to complete their training before the beginning of the academic year. I also expressed the view that the review of procedures could also take place during the Easter Term with any amendments being made for the beginning of 2021-2022 academic year (with information being distributed to students before they arrived).

- 208) Publication of this report has taken much longer than I had anticipated when I wrote the Inquiry Report and delivered it to the College. In May 2021 I suggested that the College take steps to constitute the Working Group in advance of publication of this report so that relevant steps could still be taken in time for training to be provided at the beginning of the next academic year, in October 2021.
- 209) **The Longer Term.** I recommended that the Working Group become a permanent feature of College structures responsible for, amongst other things, monitoring the effectiveness of policies and action in relation to sexual misconduct. In the longer term the College may wish to consider broadening the Working Group's remit to encompass all aspects of equality and diversity at the College.

A Governance Issue

- 210) My Terms of Reference refer, as background, to two reviews to which the College committed in November 2019. I have addressed issues relevant to the sexual misconduct processes review above. As to governance, I have highlighted above what I consider to be the mismatch between the Master's job description and his duties under the College Statutes and Ordinances. I suggested that the College may wish to consider, in the context of its review of procedures, whether the Master should be required to exercise management responsibilities of the type I have outlined. If not, it would need to consider who should be responsible for the management and discipline of the Fellowship and to make appropriate provision.
- 211) If the Master was to remain responsible for the management and discipline of the Fellowship I emphasised the need to (a) create a job description for the role which corresponds to what is required in practice and (b) properly identify the skills and experience which must be demonstrated by any person being considered for the role. In practice the role involves (amongst other things) important management responsibilities. In the circumstances I recommended that any candidates be required to provide evidence of a track record of strong management and of effectively dealing with difficult issues such as allegations of sexual misconduct.

APPENDIX

ISSUE	RECOMMENDATION	REFERENCE
Communication		
Transparency	College communications to be transparent and frank Consider external scrutiny of sensitive communications	Part (III)(A) para 76
Reserved Governing Body business	Students to be provided with clear criteria addressing the dividing line between reserved and unreserved business	Part (IV) para 149
Sharing information with student body	College to produce policy addressing the types of information which will routinely be shared with the student body with clear explanations as to why certain information cannot be provided	Part (IV) para 150
Sharing information in confidence with student representatives	Policy to provide formal guidelines as to the circumstances in which information may be shared with representatives of the student body in confidence (i.e. not to be shared with the students they represent).	Part (IV) para 151
Media attention	Head of Communications to consider appropriate way in which to alert students to matters which are likely to attract media attention	Part (IV) para 152
Legal Advice		
Communication of Legal Advice to Governing Body	Develop a Protocol relating to legal advice for Governing Body to include the following: (1) Legal advice to Governing Body to be provided in writing. (2) Those charged with seeking advice on behalf of the Governing Body should not summarise the advice received or select parts of it. (3) Members of Governing Body should have made available to them any documents (including written instructions) provided to lawyers. If any instructions were provided	Part (III)(A) paras 69-71

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	orally, solicitors attendance notes of those meetings should be made available. (4) Requirement for legal advice to be taken before sharing the advice with anyone outside the Governing Body	
Legal Advice in relation to JMC Procedure	Legal advice should be taken directly by the Chair of the relevant JMC committee	Part (III)(B) para 93
Responsibilities as Charity Trustees	Members of Governing Body to be provided with clear expert advice as to their responsibilities as trustees of the College charity	Part (III)(A) para 78
Student Complaints		
Initial communication with respondent student	Initial communication to be in person, with appropriate support for the respondent student in place	Part (III)(B) para 92
Recusal of tutor	Reasons to be clearly explained by Senior Tutor and Tutor concerned	Part (III)(B) para 92
Assistance with complaints	Senior Tutor to produce written guidance on assistance with writing student statements	(V) paras 134-135
JMC		
After referral by Master	JMC to control its own procedure in accordance with Ordinance 12 and in particular to make direct contact with complainants (unless presenting officer appointed – see below)	Part (III)(B) paras 93-95
Presenting officer	In complex cases JMC to consider requesting the appointment of a presenting officer	Part (III)(B) para 96
Legally Qualified Chair	Statutes and Ordinances Committee to consider amending Ordinance 12 to make provision for the appointment of a legally qualified chair	Part (III)(B) para 98
Witnesses	JMC chair to request outline of evidence to be provided by any witnesses JMC chair to provide witnesses in advance with a written explanation of the proceedings and what their role will be	Part (III)(B) para 97
Sharing sensitive personal information in the course of proceedings	Compliance Officer to be consulted before information shared	Part (III)(B) para 99
Tutorial system		
Appointment	Formal appointment (or renewal) process well in advance of the new academic year	Part (III)(B) para 86
Appraisal	Senior Tutor to consider instituting system of annual appraisal for Tutors	Part (IV) para 136

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Graduate Students	College to consider enhancing provision for graduate students	Part (IV) para 139
Tutor Training	Information on training to be made more widely available	Part (VI) para 131
Student Information	Student Handbook and other information to be made available to students (in particular first-years) well in advance of the start of the new academic year	Part (VI) para 122
Initial Tutor meeting	First years to have initial (remote) introductory meeting with Tutor before arriving at College	Part (IV) para 123
Directors of Studies	Senior Tutor to consider implementing structured framework for ensuring that Directors of Studies carry out their responsibilities of oversight of supervisors	Part (IV) para 144
College Discrimination and Harassment Contact	<p>Role within College structure to be clarified</p> <p>Consider appointing additional CDHC from College staff</p> <p>To circulate information on training courses encouraging attendance from all those to whom students might disclose allegations (in particular DoS)</p>	Part (IV) para 124
Mental Health provision	Senior Tutor, MCR and JCR representatives to consider how best concerns about using mental health provision can be met	Part (IV) para 117
Student Welfare Officers	College to consider training and other support needs	Part (IV) para 127
Effects of sexual violence	Consideration to be given to training needs of those responsible for making decisions about academic welfare of survivors of sexual violence	Part (V) para 162